

















DANIEL O'CONNELL.



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LIFE

AND SPEECHES

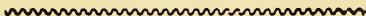
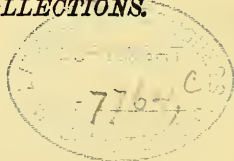
OF

DANIEL O'CONNELL, M.P

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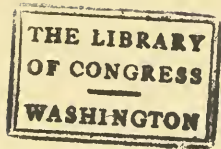
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## SKETCH OF DANIEL O'CONNELL, M. P.

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DANIEL O'CONNELL, acknowledged leader of the Irish nation for the most important period of the nineteenth century, was born at a place called Carhan, beside the small post-town of Cahirciveen, near the harbor of Valentia, on the coast of Kerry, in 1775.

After a preliminary course at a school near Cove, he was sent to the Continent, and was successively at Louvain, St. Omer and Douai, till the French Revolution compelled his return. One of the effects of the European convulsion was a relaxation of bigotry in 1792, so as to permit Catholics to become barristers. Seizing the opportunity, O'Connell, in 1794, entered himself at the Middle Temple, and was called to the bar in the memorable year when his country made her last fearful effort to free herself from the galling yoke of centuries.

It was not the moment for a young untried lawyer to enter the field of public affairs ; but when, in 1800, the so-called Union, but real provincialization of Ireland was proposed, O'Connell made his first appearance as a public speaker, and organized a meeting of Catholics, which, with the brutal Major Sirr and his blood-stained soldiery in arms around them, passed bold and intrepid resolutions, denouncing that iniquity, which it became henceforward his purpose through life to attempt to undo. That he failed to induce English statesmen and the English parliament to forego the advantage gained by a system of terror, fraud, and bribery, is a matter of history. Believing England honest, and ready to do what honesty required, he devoted his life to agitation for the Repeal of the Union. One great point he gained—Catholic Emancipation,—and much that England has since yielded is a result of his labors.

O'Connell as a barrister, was from the outset remarkably successful, and rose to a practice of the utmost extent. He rose above partisanship in Irish factions, and for all Irishmen, without distinc-

tion of creed or blood, claimed equal privileges. A recent English estimate of O'Connell justly says :

“His style as a pleader was the best perhaps ever known at the Irish bar. Others have been more polished, more elegant, more richly metaphorical ; but for clear force, for adroit invention, for Demosthenic terseness, concentrating and controlling Irish fervor, for the impetuous hail-storm of words beating down resistance, we doubt whether any speaker of a nation justly famed for eloquence has been the master of O'Connell. Anecdotes without number are told of his skill with witnesses, of his audacity with judges, of the nimble turns and unsurmised devices by which he snatched verdicts for his clients, and his success as an orator was not confined to the bar.”

As an orator of the people, addressing vast crowds of his countrymen in the densely packed hall or under the canopy of heaven, where, inspired by the landscape of his native land, he poured forth his torrents of eloquence ; gathering a whole nation under his control, he has no equal in history. For more than twenty years before Catholic Emancipation the burden of the cause was, he justly says, thrown upon him. For more than twenty years, there was not a day, of which part was not devoted to working out the Catholic cause. He aroused the torpid, sustained the faint-hearted, restrained the impulsive, conciliated the great, and in less than eight years, by a system of agitation peculiarly his own, without deviating a hair's breadth from the principles of peace and loyalty, which he always maintained, he saw the gates of the constitution flung open to the long oppressed Catholics.

Then the great Catholic lawyer, the great agitator and popular speaker, entered the parliament of the United Kingdom. He soon trampled over the fear, coldness and distrust with which he was at first received ; and no speaker was heard with more marked attention. His bold step in standing for Clare ; his speech at the bar of the House, made his name known throughout the world. From May, 1829, when he took his seat as Member for Clare, till his death, he continued in parliament, representing Kerry, Dublin and Cork at different periods.

In 1834, he began the Repeal agitation, by moving in parliament for a repeal of the Legislative Union, effected in 1800 by such violence and fraud. The only answer made in the House was the silly one of Peel, “We will not consent to dismember the British empire,” as though it had been dismembered before the Union.

The agitation in Ireland again drew him to his great field, the addresses to the people. Honored almost as a sovereign, invested with every dignity in their power, he led on the movement, calling meetings of hundreds of thousands, till the government, in alarm, in October, 1843, forbade by proclamation the monster meeting at Clontarf.

O'Connell was then arrested with others, on a charge of conspiracy. The old system began, a packed jury, venal judges, hired informers, and a verdict was obtained, which the House of Lords, with some sense of justice, set aside as a mockery, a delusion, and a snare.

Mr. O'Connell's great work was however checked. He had tried to convince his countrymen that agitation, the legal and peaceful presenting of their grievances, would ultimately obtain justice. The government taught the Irish people that this was a delusion ; that no sense of justice would ever induce them to yield ; that concessions to Ireland were to be extorted only from their fears. O'Connell's pretended conspiracy was a hint to organize a real one.

Declining health indeed withdrew O'Connell from public life ; his former career was but feebly resumed, and setting out in 1847 on a pilgrimage to Rome, he died at Genoa, on the 15th of May. His heart was borne to the Eternal City, while his body was conveyed back to the island he loved so well.





## SPEECHES OF DANIEL O'CONNELL, M. P.

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### SPEECH AT LIMERICK, 1812.

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I FEEL it my duty, as a professed agitator, to address the meeting. It is merely in the exercise of my office of agitation, that I think it necessary to say a few words. For any purpose of illustration or argument, further discourse is useless: all the topics which the present period suggested, have been treated of with sound judgment, and a rare felicity of diction, by my respected and talented friend (Mr. Roche); all I shall do is, to add a few observations to what has fallen from that gentleman; and whilst I sincerely admire the happy style in which he has treated those subjects, I feel deep regret at being unable to imitate his excellent discourse.

And, first, let me concur with him in congratulating the Catholics of Limerick on the progress our great cause has made since we were last assembled. Since that period our cause has not rested for support on the efforts of those alone who were immediately interested; no, our Protestant brethren throughout the land have added their zealous exertions for our emancipation. They have, with admirable patriotism, evinced their desire to conciliate by serving us, and I am sure I do but justice to the Catholics, when I proclaim our gratitude, as written on our hearts, and to be extinguished only with our lives.

Nor has the support and the zeal of our Protestant brethren been vain and barren. No, it has been productive of great

and solid advantages ; it has procured, for the cause of religious liberty, the respect even of the most bigoted of our opponents ; it has struck down English prejudice ; it has convinced the mistaken honest ; it has terrified the hypocritical knaves ; and finally, it has pronounced for us, by a great and triumphant majority, from one of the branches of the legislature, the distinct recognition of the propriety and the necessity of conceding justice to the great body of the Irish people.

Let us, therefore, rejoice in our mutual success ; let us rejoice in the near approach of freedom ; let us rejoice in the prospect of soon shaking off our chains, and of the speedy extinction of our grievances. But above all, let us rejoice at the means by which these happy effects have been produced ; let us doubly rejoice, because they afford no triumph to any part of the Irish nation over the other—that they are not the result of any contention among ourselves ; but constitute a victory, obtained for the Catholics by the Protestants—that they prove the liberality of the one, and require the eternal gratitude of the other—that they prove and promise the eternal dissolution of ancient animosities and domestic feuds, and afford to every Christian and to every patriot, the cheering certainty of seeing peace, harmony, and benevolence prevail in that country, where a wicked and perverted policy has so long and so fatally propagated and encouraged dissension, discord, and rancor.

We owe it to the liberality of the Irish Protestants—to the zeal of the Irish Presbyterians—to the friendly exertion of the Irish Quakers ; we owe, to the cordial re-union of every sect and denomination of Irish Christians, the progress of our cause. They have procured for us the solemn and distinct promise and pledge of the House of Commons—they almost obtained for us a similar declaration from the House of Lords. It was lost by the petty majority of one—it was lost by a majority, not of those who listened to the absurd prosings of Lord Eldon, to the bigoted and turbid declamation of that English Chief Justice, whose sentiments so forcibly recall the memory of the star-chamber ; not of those who were able to compare the vapid or violent folly of the one party, with the statesman-like sentiments, the profound arguments, the splendid elo-

quence of the Marquis Wellesley. Not of those who heard the reasonings of our other illustrious advocates; but by a majority of men who acted upon preconceived opinions, or, from a distance, carried into effect their bigotry, or, perhaps, worse propensities—who availed themselves of that absurd privilege of the peerage, which enables those to decide who have not heard—which permits men to pronounce upon subjects they have not discussed—and allows a final determination to precede argument.

It was not, however, to this privilege alone, that our want of success was to be attributed. The very principle upon which the present administration has been formed, was brought into immediate action, and with success; for, in the latter periods of the present reign, every administration has had a distinct principle upon which it was formed, and which serves the historian to explain all its movements. Thus, the principle of the Pitt administration was—to deprive the people of all share in the government, and to vest all power and authority in the crown. In short, Pitt's views amounted to unqualified despotism. This great object he steadily pursued through his ill-starred career. It is true he encouraged commerce, but it was for the purposes of taxation; and he used taxation for the purposes of corruption; he assisted the merchants, as long as he could, to grow rich, and they lauded him; he bought the people with their own money, and they praised him. Each succeeding day produced some new inroad on the constitution; and the alarm which he excited, by reason of the bloody workings of the French revolution, enabled him to rule the land with uncontrolled sway; he had bequeathed to his successor the accumulated power of the crown—a power which must be great, if it can sustain the nonentities of the present administration.

The principle of Pitt's administration was despotism—the principle of Perceval's administration was peculating bigotry—bigoted speculation! In the name of the Lord he plundered the people. Pious and enlightened statesman! he would take their money only for the good of their souls.

The principle of the present administration is still more obvious. It has unequivocally disclosed itself in all its move-

ments—it is simple and single—it consists in falsehood. Falsehood is the bond and link that connects this ministry in office. Some of them pretend to be our friends—you know it is not true—they are only our worse enemies for the hypocrisy. They declare that the Catholic question is no longer opposed by the cabinet—that it is left to the discretion of each individual retainer. The fact is otherwise—and their retainers, though not commanded, as formerly, are carefully advised to vote against us.

The minister, Lord Castlereagh, is reported to have said in the House of Commons, that in the year 1797 and 1798, there was no torture in Ireland, to the knowledge of government! Is it really possible that such an assertion was used? You hear of it with astonishment. All Ireland must shudder, that any man could be found thus to assert. Good God! of what materials must that man be made who could say so? I restrain my indignation—I withhold all expressions of surprise—the simple statement that such an assertion was used, exceeds, in reply, the strongest language of reprobation. But there is no man so stupid as not to recognize the principle which I have so justly attributed to this administration.

What! No torture! Great God! No torture! Within the walls of your city was there no torture? Could not Colonel Vereker have informed Lord Castlereagh, that the lash resounded in the streets even of Limerick, and that the human groan assailed the wearied ear of humanity? Yet I am ready to give the gallant colonel every credit he deserves; and, therefore, I recall to your grateful recollection the day when he risked his life to punish one of the instruments of torture. Colonel Vereker can tell whether it be not true, that in the streets of your city, the servant of his relation, Mrs. Rosslewen, was not tortured—whether he was not tortured first, for the crime of having expressed a single sentiment of compassion, and next because Colonel Vereker interfered for him.

But there is an additional fact which is not so generally known, which, perhaps, Colonel Vereker himself does not know, and which I have learned from a highly respectable clergyman, that this sad victim of the system of torture, which Lord Castlereagh denied, was, at the time he was scourged, in an in-

firm state of health—that the flogging inflicted on him deprived him of all understanding, and that within a few months he died insane, and without having recovered a shadow of reason.

But why, out of the myriads of victims, do I select a solitary instance? Because he was a native of your city, and his only offence an expression of compassion. I might tell you, did you not already know it, that in Dublin there were, for weeks, three permanent triangles, constantly supplied with the victims of a promiscuous choice made by the army, the yeomanry, the police constables, and the Orange lodges; that the shrieks of the tortured must have literally resounded in the state apartments of the Castle; and that along by the gate of the Castle yard, a human being, naked, tarred, feathered, with one ear cut off, and the blood streaming from his lacerated back, has been hunted by a troop of barbarians!

Why do I disgust you with these horrible recollections? You want not the proof of the principle of delusion on which the present administration exists. In your own affairs you have abundant evidence of it. The fact is, that the proxies in the Lords would never have produced a majority even of one against Lord Wellesley's motion, but for the exertion of the vital principle of the administration. The ministry got the majority of one. The pious Lord Eldon, with all his conscience and his calculations, and that immaculate distributor of criminal justice, Lord Ellenborough, were in a majority of one. By what holy means think you? Why, by the aid of that which cannot be described in dignified language—by the aid of a lie—a false, positive, palpable lie!

This manœuvre was resorted to—a scheme worthy of its authors—they had perceived the effects of the manly and dignified resolutions of the 18th of June. These resolutions had actually terrified our enemies, whilst they cheered those noble and illustrious friends who had preferred the wishes and wants of the people of Ireland to the gratification of paltry and disgraceful minions. The manœuvre—the scheme, was calculated to get rid of the effect of those resolutions, nay, to turn their force against us, and thus was the pious fraud effected.

There is, you have heard, a newspaper, in the permanent pay of peculation and corruption, printed in London, under the

name of the Courier, a paper worthy the meridian of Constantinople, at its highest tide of despotism. This paper was directed to assert the receipt of a letter from Dublin, from excellent authority, declaring, I know not how many peers, sons of peers, and baronets had retracted the resolutions of the 18th of June; that those resolutions were carried by surprise, and that they had been actually rescinded at a subsequent meeting.

Never did human baseness invent a more gross untruth; never did a more unfounded lie fall from the father of falsehood; never did human turpitude submit to become the vehicle of so "glaring" a dereliction from truth. But the Courier received its pay, and it was ready to earn the wages of its prostitution. It did so—it published the foul falsehoods with the full knowledge of their falsehood; it published them in two editions, the day before and the day of the debate—at a period when inquiry was useless—when a contradiction from authority could not arrive; at that moment this base trick was played, through the intervention of that newspaper, upon the British public!

Will that public go too far when they charge this impure stratagem on those whose purposes it served? Why, even in this country, the administration deems it necessary to give, for the support of one miserable paper, two places—one of five, and the other of eight hundred a year—the stamp duty remitted—the proclamations paid for as advertisements—and a permanent bonus of one thousand pounds per annum! If the bribe here be so high, what must it be in England, where the toil is so much greater? And, think you, then, that the Courier published, unsanctioned by its paymasters, this useful lie?

I come now to the next stage in the system of delusion; it is that which my friend, Mr. O'Neil, has noticed. He has powerfully exposed to you the absurdity of crediting the ministerial newspapers, when they informed you that the member for Limerick had stated in the House of Commons, that the commercial interests of Limerick were opposed to the Catholic claims. Sir, for my part, I entirely agree with Mr. O'Neil; I am sure Colonel Vereker said no such thing; he is a brave

man, and, therefore, a man of truth ; he is probably a pleasant friend, and he has those manly traits about him, which make it not unpleasant to oppose him as an enemy ; I like the candor of his character, and our opposition to him should assume the same frankness, and openness, and perfect determination. He well knows that a great part of the commercial interests of Limerick is in the hands of the Catholics—that the Quakers of Limerick, who possess almost the residue of trade, are friendly to us, and that, with the exception of the “tag, rag, and bob-tail” of the corporation, there is not to be found amongst the men who ought to be his constituents a single exception to liberality.

There remains another delusion ; it is the darling deception of this ministry—that which has reconciled the toleration of Lord Castlereagh with the intolerance of Lord Liverpool ; it is that which has sanctified the connection between both, and the place-procuring, prayer-mumbling Wilberforce ; it consists in sanctions and securities. The Catholics may be emancipated, say ministers in public, but they must give securities ; by securities, say the same ministers in private, to their supporting bigots, we mean nothing definite, but something that shall certainly be inconsistent with the Popish religion—nothing shall be a security which they can possibly concede—and we shall deceive them and secure you, whilst we carry the air of liberality and toleration.

And can there be any honest man deceived by the cant and cry for securities ?—is there any man that believes that there is safety in oppression, contumely, and insult, and that security is necessary against protection, liberality and conciliation ?—does any man really suppose, that there is no danger from the continuance of unjust grievance and exasperating intolerance ; and that security is wanting against the effects of justice and perfect toleration ? Who is it that is idiot enough to believe, that he is quite safe in dissension, disunion, and animosity ; and wants a protection against harmony, benevolence, and charity ?—that in hatred there is safety—in affection, ruin ?—that now, that we are excluded from the constitution, we may be loyal—but that if we were entrusted, personally, in its safety, we shall wish to destroy it ?

But this is a pitiful delusion: there was, indeed, a time, when "sanctions and securities" might have been deemed necessary—when the Catholic was treated as an enemy to man and to God—when his property was the prey of legalized plunder—his religion and its sacred ministers, the object of legalized persecution!—when, in defiance and contempt of the dictates of justice, and the faith of treaties—and I attest the venerable city, in which I stand, that solemn treaties were basely violated—the English faction in the land turned the Protestant into an intolerant and murderous bigot, in order that it might, in security, plunder that very Protestant, and oppress his and our common country! Poor neglected Ireland! At that period, securities might be supposed wanting; the people of Ireland—the Catholic population of Ireland were then as brave and as strong, comparatively, as they are at present; and the country then afforded advantages for the desultory warfare of a valiant peasantry, which, fortunately, have since been exploded by increasing cultivation.

At the period to which I allude, the Stuart family were still in existence; they possessed a strong claim to the exaggerating allegiance and unbending fidelity of the Irish people. Every right that hereditary descent could give the royal race of Stuart, they possessed—in private life, too, they were endeared to the Irish, because they were, even the worst of them, gentlemen. But they had still stronger claims on the sympathy and generosity of the Irish: they had been exalted and were fallen—they had possessed thrones and kingdoms, and were then in poverty and humiliation. All the enthusiastic sympathies of the Irish heart were roused for them—and all the powerful motives of personal interest bore, in the same channel, the restoration of their rights—the triumph of their religion, the restitution of their ancient inheritances, would then have been the certain and immediate consequences of the success of the Stuart family, in their pretensions to the throne.

At the period to which I allude, the Catholic clergy were bound by no oath of allegiance; to be a dignitary of the Catholic church in Ireland, was a transportable felony—and the oath of allegiance was so intermingled with religious tenets, that no clergyman or layman of the Catholic persua-



sion could possibly take it. At that period, the Catholic clergy were all educated in foreign countries, under the eye of the Pope, and within the inspection of the house of Stuart. From fifty-eight colleges and convents, on the Continent, did the Catholic clergy repair to meet, for the sake of their God, poverty, persecution, contumely, and, not unfrequently, death, in their native land. They were often hunted like wild beasts, and never could claim any protection from the law! That—that was a period, when securities might well have been necessary—when sanctions and securities might well have been requisite.

But what was the fact?—what was the truth which history vouches? Why, that the clergy and laity of the Irish Catholics, having once submitted to the new government—having once plighted their ever unbroken faith to King William and his successors—having once submitted to that great constitutional principle, that in extreme cases the will of the people is the sole law—that in extreme cases the people have the clear and undoubted right to cashier a tyrant, and provide a substitute on the throne—the Irish Catholics, having fought for their legitimate sovereign, until he, himself, and, not they, fled from the strife—adopted, by treaty, his English successor, though not his heir—transferred to that successor, and the inheritors of his throne, their allegiance. They have preserved their covenant—with all the temptations and powerful motives to disaffection, they fulfilled their part of the social contract, even in despite of its violation by the other party.

How do I prove the continued loyalty of the Catholics of Ireland under every persecution? I do not appeal for any proofs to their own records, however genuine—I appeal merely to the testimony of their rulers and their enemies—I appeal to the letters of Primate Boulter—to the state-papers of the humane and patriotic Chesterfield. I have their loyalty through the admissions of every secretary and governor of Ireland, until it is finally and conclusively put on record by the legislature of Ireland itself. The relaxing statutes expressly declare, that the penal laws ought to be repealed—not from motives of policy or growing liberality, but (I quote the words,) “because of the long-continued and

uninterrupted loyalty of the Catholics." This is the consummation of my proof—and I defy the veriest disciple of the doctrine of delusion to overturn it.

But as the Catholics were faithful in those dismal and persecuting periods—when they were exasperated by the emanating cruelty of barbarous law and wretched policy—as they were then faithful, notwithstanding every temporal and every religious temptation and excitement to the contrary, is it in human credulity to believe my Lord Castlereagh, when he asserts that securities are now necessary? Now, that the ill-fated house of Stuart is extinct—and had it not been extinct I should have been silent as to what their claims were—now, that the will of the people, and the right of hereditary succession are not to be separated—now, that the Catholic clergy are educated in Ireland and are all bound by their oaths of allegiance to that throne and constitution, which, in the room of persecution, gives them protection and security—now, that all claims upon forfeited property are totally extinguished in the impenetrable night of obscurity and oblivion—now, that the Catholic nobility and gentry are in the enjoyment of many privileges and franchises, and that the full participation of the constitution opens upon us in close and cheering prospect—shall we be told that securities are now expedient, though they were heretofore unnecessary? Oh! it is a base and dastardly insult upon our understandings, and on our principles, and one which each of us would, in private life, resent—as in public we proclaim it to the contempt and execration of the universe.

Long as I have trespassed on you, I cannot yet close: I have a word to address to you upon your own conduct. The representative for your city, Colonel Vereker, has openly opposed your liberties—he has opposed even the consideration of your claims. You are beings, to be sure, with human countenances, and the limbs of men—but you are not men—the iron has entered into your souls, and branded the name of slave upon them, if you submit to be thus trampled on! His opposition to you is decided—meet him with a similar, and, if possible, a superior hostility. You deserve not freedom, you, citizens of Limerick, with the monuments of the valor of your ancestors!

around you—you are less than men, if my feeble tongue be requisite to rouse you into activity. Your city is, at present, nearly a close borough—do but will it, and you make it free.

I know legal obstacles have been thrown in your way—I know that, for months past, the Recorder has sat alone at the sessions—that he has not only tried cases, in the absence of any other magistrate, which he is not authorized by law to do, but that he has solely opened and adjourned the sessions, which, in my opinion, he is clearly unwarranted in doing; he has, by this means, I know, delayed the registry of your freeholds, because two magistrates are necessary for that purpose: I have, however, the satisfaction to tell you, that the Court of King's Bench will, in the next term, have to determine on the legality of his conduct, and of that of the other charter magistrates, who have banished themselves, I understand, from the Sessions Court, since the registry has been spoken of! They shall be served with the regular notices; and, depend upon it, this scheme cannot long retard you.

I speak to you on this subject as a lawyer—you can best judge in what estimation my opinion is amongst you—but such as it is, I pledge it to you, that you can easily obviate the present obstacles to the registry of your freeholds. I can also assure you that the constitution of your city is perfectly free—that the sons of freemen, and all those who have served an apprenticeship to a freeman, are all entitled to their freedom, and to vote for the representation of your city.

I can tell you more: that if you bring your candidate to a poll, your adversary will be deprived of any aid from non-resident or occasional freemen; we will strike off his list the freemen from Gort and Galway, the freemen from the band, and many from the battalion of the city of Limerick militia.

In short, the opening of the borough is a matter of little difficulty. If you will but form a committee, and collect funds, in your opulent city, you will soon have a representative ready to obey your voice—you cannot want a candidate. If the emancipation bill passes next sessions, as it is so likely to do, and that no other candidate offers, I myself will bring your present number to the poll. I probably will have little chance of success—but I will have the satisfaction of showing

this city, and the county, what the free-born mind might achieve if it were properly seconded.

I conclude by conjuring you to exert yourselves ; waste not your just resentments in idle applause at the prospect I open to you ; let not the feeling of the moment be calumniated as a hasty ebullition of anger ; let it not be transitory, as our resentments generally are, but let us remember ourselves, our children and our country !

Let me not, however, close, without obviating any calumny that may be flung upon my motives. I can easily pledge myself to you that they are disinterested and pure—I trust they are more. My object in the attainment of emancipation is in nothing personal, save in the feelings which parental love inspires and gratifies. I am, I trust, actuated by that sense of Christianity which teaches us that the first duty of our religion is benevolence and universal charity ; I am, I know, actuated by the determination to rescue our common country from the weakness, the insecurity, which dissension and religious animosity produce and tend to perpetuate ; I wish to see the strength of the island—this unconquered, this unconquerable island—combined to resist the mighty foe of freedom, the extinguisher of civil liberty, who rules the Continent from Petersburg to the verge of the Irish bayonets in Spain. It is his interest, it is a species of duty he owes to his family—to that powerful house which he has established on the ruins of the thrones and dominations of Europe—to extinguish, forever, representative and popular government in these countries ; he has the same direct intent which the Roman general had to invade our beloved country—“*Ut libertas veluti et conspectu.*” His power can be resisted only by combining your physical force with your enthusiastic and undaunted hearts.

There is liberty amongst you still. I could not talk as I do, of the Liverpools and Castlereaghs, of his court, even if he had the folly to employ such things—I wish he had ; you have the protection of many a salutary law—of that palladium of personal liberty—the trial by jury. I wish to ensure your liberties, to measure your interests on the present order of the state, that we may protect the very men that oppress us.

Yes, if Ireland be fairly roused to the battle of the country and of freedom, all is safe. Britain has been often conquered: the Romans conquered her—the Saxons conquered her—the Normans conquered her—in short, whenever she was invaded, she was conquered. But our country was never subdued; we never lost our liberties in battle, nor did we ever submit to armed conquerors. It is true, the old inhabitants lost their country in piece-meal, by fraud and treachery; they relied upon the faith of men, who never, never observed a treaty with them, until a new and mixed race has sprung up, in dissension and discord; but the Irish heart and soul still predominate and pervade the sons of the oppressors themselves. The generosity, the native bravery, the innate fidelity, the enthusiastic love of whatever is great and noble—those splendid characteristics of the Irish mind remain as the imperishable relics of our country's former greatness—of that illustrious period, when she was the light and the glory of barbarous Europe—when the nations around sought for instruction and example in her numerous seminaries—and when the civilization and religion of all Europe were preserved in her alone.

You will, my friends, defend her—you may die, but you cannot yield to any foreign invader. Whatever be my fate, I shall be happy, whilst I live, in reviving amongst you the love and admiration of your native land, and in calling upon Irishmen—no matter how they may worship their common God—to sacrifice every contemptible prejudice on the altar of their common country. For myself, I shall conclude, by expressing the sentiment that throbs in my heart—I shall express it in the language of a young bard of Erin, and my beloved friend, whose delightful muse has the sound of the ancient minstrelsy—

“Still shalt thou be my midnight dream—  
 Thy glory still my waking theme;  
 And ev'ry thought and wish of mine,  
 Unconquered Erin, shall be thine!”

REPLY TO MR. BELLEW,  
IN THE CATHOLIC BOARD, 1813.

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AT this late hour, and in the exhausted state of the meeting, it requires all the impulse of duty to overcome my determination to allow the debate to be closed without any reply; but a speech has been delivered by the learned gentleman (Mr. Bellew), which I cannot suffer to pass without further answer.

My eloquent friend, Mr. O'Gorman, has already powerfully exposed some of its fallacies; but there were topics involved in that speech which he has not touched upon, and which, it seems to me, I owe it to the Catholics and to Ireland to attempt to refute.

It was a speech of much talent, and much labor and preparation.

Mr. Bellew declared that he had spoken extempore.

Well, (said Mr. O'Connell,) it was, certainly, an able speech, and we shall see whether this extempore effort of the learned gentleman will appear in the newspapers to-morrow, in the precise words in which it was uttered this day. I have no skill in prophecy, if it does not happen; and if it does so happen, it will certainly be a greater miracle than that the learned gentleman should have made an artful and ingenuous, though, I confess, I think a very mischievous speech, without preparation.

I beg to say, that, in replying to him and to the other supporters of the amendment, I mean to speak with great personal respect of them; but that I feel myself bound to treat their arguments with no small degree of reprehension. The learned gentleman naturally claims the greater part of my attention. The ingenuity with which he has, I trust, gratuitously advocated our bigoted enemies, and the abundance in which he has dealt out insinuations against the Catholics of Ireland, entitle his discourse to the first place in my reprobation. Yet I shall take the liberty of saying a passing word of the other speakers, before I arrive at him;

he shall be last, but I promise him, not least in my consideration.

The opposition to the general vote of thanks to the bishops was led by my friend, Mr. Hussey. I attended to his speech with that regard which I always feel for anything that comes from him ; I attended to it in the expectation of hearing from his shrewd and distinct mind something like argument or reasoning against this expression of gratitude to our prelates. But, my lord, I was entirely disappointed ; argument there was not any—reasoning there was none ; the sum and substance of his discourse was literally this, that he (Mr. Hussey) is a man of a prudent and economical turn of mind, that he sets a great value on everything that is good, that praise is excellent, and, therefore, he is disposed to be even stingy and niggard of it ; that my motion contains four times too much of that excellent article, and he, therefore, desires to strike off three parts of my motion, and thinks that one quarter of his praise is full enough for any bishops, and this the learned gentleman calls an amendment.

Mr. Bagot came next, and he told us that he had made a speech but a fortnight ago, which we did not understand, and he has now added another which is unintelligible ; and so, because he was misunderstood before, and cannot be comprehended at present, he concludes, most logically, that the bishops are wrong, and that he and Mr. Hussey are right.

Sir Edward Bellew was the next advocate of censure on the bishops ; he entertained us with a sad specimen of minor polemics, and drew a learned and lengthened distinction between essential and non-essential discipline ; and he insisted that by virtue of this distinction, that which was called schism by the Catholic prelates, could be changed into orthodoxy by an Irish baronet. This distinction between essential and non-essential, must, therefore, be very beautiful and beautifying. It must be very sublime, as it is very senseless, unless, indeed, he means to tell us, that it contains some secret allusion to our enemies. For example, that the Duke of Richmond affords an instance of the essential, whilst my Lord Manners is plainly non-essential ; that Paddy Duigenan is essential in perfection, and the foppish Peel is, in nature, without essence ; that

Jack Giffard is, surely, of the essential breed, whilst Mr. Willy Saurin is a dog of a different color.

Such, I presume, is the plain English of the worthy baronet's dissertation. Translated thus, it clearly enough alludes to the new commission; but it would be more difficult to show how it applied in argument against my motion. I really did not expect so whimsical an opposition from the honorable baronet. If there be any feeling of disappointment about him for the rejection of the double Veto bill, he certainly ought not to take revenge on the Board, by bestowing on us all the tediousness of incomprehensible and insane theology. I altogether disclaim reasoning with him, and I freely consent that those who relish his authority as a theologian, should vote against the prelates.

And, now, I address myself to the learned brother of the theological baronet. He began by taking great merit to himself, and demanding great attention from you, because he says that he has so rarely addressed you. You should yield to him, he says, because he so seldom requires your assent. It reminds me of the prayer of the English officer before battle. "Great Lord," said he, "during the forty years I have lived, I never troubled you before with a single prayer. I have, therefore, a right, that you should grant me one request, and do just as I desire, for this once." Such was the manner in which the learned gentleman addressed us; he begs you will confide in his zeal for your interests, because he has hitherto confined that zeal to his own. He desires that you will rely upon his attention to your affairs because he has been heretofore inattentive to them; and that you may depend on his anxiety for Catholic Emancipation, inasmuch as he has abstained from taking any step to attain that measure.

Quite different are my humble claims on your notice—quite different are the demands I make on your confidence. I humbly solicit it because I have sacrificed, and do, and ever will sacrifice, my interest to yours—because I have attended to the varying posture of your affairs, and sought for Catholic Emancipation with an activity and energy proportioned to the great object of our pursuit. I do, therefore, entreat your attention, whilst I unravel the spider-web of sophistry with which the



learned gentleman has this day sought to embarrass and disfigure your cause.

His discourse was divided into three principal heads. First, he charged the Catholic prelates with indiscretion. Secondly, he charged them with error. And lastly, he charged the Catholics with bigotry; and with the zeal and anxiety of an hired advocate, he gratuitously vindicated the intolerance of our oppressors. I beg your patience, whilst I follow the learned gentleman through this threefold arrangement of his subject. I shall, however, invert the order of his arrangement, and begin with his third topic.

His argument, in support of the intolerants, runs thus. First, he alleges that the Catholics are attached to their religion with a bigoted zeal. I admit the zeal but I utterly deny the bigotry. He seems to think I overcharge his statement; perhaps I do; but I feel confident that, in substance, this accusation amounted to a direct charge of bigotry. Well, having charged the Catholics with a bigoted attachment to their church, and having truly stated our repugnance to any interference on the part of the secretaries of the Castle with our prelates, he proceeded to insist that those feelings on our part justified the apprehensions of the Protestants. The Catholics, said Mr. Bellew, are alarmed for their church; why should not the Protestants be alarmed also for theirs? The Catholic, said he, desires safety for his religion; why should not the Protestant require security for his? When you, Catholics, express your anxiety for the purity of your faith (adds the learned advocate), you demonstrate the necessity there is for the Protestant to be vigilant for the preservation of his belief; and hence, Mr. Bellew concludes, that it is quite natural, and quite justifiable in the Liverpools and Eldons of the Cabinet, to invent and insist upon guards and securities, vetoes, and double vetoes, boards of control, and commissions for loyalty.

Before I reply to this attack upon us, and vindication of our enemies, let me observe, that, however groundless the learned gentleman may be in argument, his friends at the Castle will, at least, have the benefit of boasting, that such assertions have been made by a Catholic, at the Catholic Board.

And, now, see how futile and unfounded his reasoning is; he says, that our dislike to the proposed commission justifies the suspicion in which the plan of such commission originated; that our anxiety for the preservation of our church vindicates those who deem the proposed arrangement necessary for the protection of theirs—a mode of reasoning perfectly true, and perfectly applicable, if we sought any interference with, or control over, the Protestant Church. If we desired to form any board or commission to control or to regulate the appointment of their bishops, deans, archdeacons, rectors, or curates; if we asked or required that a single Catholic should be consulted upon the management of the Protestant Church, or of its revenues or privileges; then, indeed, would the learned gentleman be right in his argument, and then would he have, by our example, vindicated our enemies.

But the fact does not bear him out; for we do not seek, nor desire, nor would we accept of, any kind of interference with the Protestant Church. We disclaim and disavow any kind of control over it. We ask not, nor would we allow, any Catholic authority over the mode of appointment of their clergy. Nay, we are quite content to be excluded for ever from even advising his Majesty, with respect to any matter relating to or concerning the Protestant Church—its rights, its properties, or its privileges. I will, for my own part, go much further; and I do declare, most solemnly, that I would feel and express equal, if not stronger repugnance to the interference of a Catholic with the Protestant Church, than that I have expressed and do feel to any Protestant interference with ours. In opposing their interference with us, I content myself with the mere war of words. But if the case were reversed—if the Catholic sought this control over the religion of the Protestant, the Protestant should command my heart, my tongue, my arm, in opposition to so unjust and insulting a measure. So help me God! I would in that case not only feel for the Protestant and speak for him, but I would fight for him, and cheerfully sacrifice my life in defence of the great principle for which I have ever contended—the principle of universal and complete religious liberty.

Then, can any thing be more absurd and untenable than the

argument of the learned gentleman, when you see it stripped of the false coloring he has given it? It is absurd to say, that merely because the Catholic desires to keep his religion free, the Protestant is thereby justified in seeking to enslave it. Reverse the position and see whether the learned gentleman will adopt or enforce it. The Protestant desires to preserve his religion free; would that justify the Catholic in any attempt to enslave it? I will take the learned advocate of intolerance to the bigoted court of Spain or Portugal, and ask him, would he, in the supposed case, insist that the Catholic was justifiable. No, my lord, he will not venture to assert that the Catholic would be so; and I boldly tell him that in such a case, the Protestant would be unquestionably right, the Catholic, certainly, an insolent bigot.

But the learned gentleman has invited me to a discussion of the question of securities, and I cheerfully follow him. And I do, my lord, assert, that the Catholic is warranted in the most scrupulous and timid jealousy of any English, for I will not call it Protestant, (for it is political, and not, in truth, religious) interference with his church. And I will also assert, and am ready to prove, that the English have no solid or rational pretext for requiring any of those guards, absurdly called securities, over us or our religion.

My lord, the Irish Catholics never, never broke their faith—they never violated their plighted promise to the English. I appeal to history for the truth of my assertion. My lord, the English never, never observed their faith with us, they never performed their plighted promise; the history of the last six hundred years proves the accuracy of my assertion. I will leave the older periods, and fix myself at the Revolution. More than one hundred and twenty years have elapsed since the treaty of Limerick; that treaty has been honorably and faithfully performed by the Irish Catholics; it has been foully, disgracefully, and directly violated by the English. English oaths and solemn engagements bound them to its performance; it remains still of force and unperformed; and the ruffian yell of English treachery which accompanied its first violation, has, it seems, been repeated even in the senate house at the last repetition of the violation of that

treaty. They rejoiced and they shouted at the perjuries of their ancestors—at their own want of good faith or common sense.

Nay, are there not present men who can tell us, of their own knowledge, of another instance of English treachery? Was not the assent of many of the Catholics to the fatal—oh! the fatal measure of the Union—purchased by the express and written promise of Catholic Emancipation, made from authority by Lord Cornwallis, and confirmed by the prime minister, Mr. Pitt? And has that promise been performed? or has Irish credulity afforded only another instance of English faithlessness? Now, my lord, I ask this assembly whether they can confide in English promises? I say nothing of the solemn pledges of individuals. Can you confide in the more than puny faith of your hereditary task-masters? or shall we be accused of our scrupulous jealousy, when we reject with indignation, the contamination of English control over our church?

But, said the learned advocate (Mr. Bellew), they have a right to demand, because they stand in need of securities. I deny the right—I deny the need. There is not any such right—there exists no such necessity. What security have they had for the century that has elapsed since the violation of the treaty of Limerick? What security have they had during these years of oppression and barbarous and bloody legislation? What security have they had whilst the hereditary claim of the house of Stuart remained? And surely, all the right that hereditary descent could give was vested in that family. Let me not be misunderstood. I admit they had no right; I admit that their right was taken away by the people. I freely admit that, on the contrary, the people have the clear right to cashier base and profligate princes. What security had the English from our bishops when England was invaded, and the unfortunate but gallant Prince Charles advanced into the heart of England, guided by valor, and accompanied by a handful of brave men, who had, under his command, obtained more than one victory? He was a man likely to excite and gratify Irish enthusiasm; he was chivalrous and brave; he was a man of honor, and a gentleman; no violator

of his word; he spent not his time in making his soldiers ridiculous with horse-tails and white feathers; he did not consume his mornings in tasting curious drams, and evenings in gallanting old women. What security had the English then? What security had they against our bishops or our laity, when America nobly flung off the yoke that had become too heavy to be borne, and sought her independence at the risk of her being? What security had they then? I will tell you, my lord. Their security at all those periods was perfect and complete, because it existed in the conscientious allegiance of the Catholics; it consisted in the duty of allegiance which the Irish Catholics have ever held, and will, I trust, ever hold sacred; it consisted in the conscientious submission to legitimate authority, however oppressive, which our bishops have always preached, and our laity have always practised.

And now, my lord, they have the additional security of our oaths, of our ever unviolated oaths of allegiance; and if they had emancipated us, they would have had the additional security of our gratitude and of our personal and immediate interests. We have gone through persecution and sorrow; we have experienced oppression and affliction, and yet we have continued faithful. How absurd to think that additional security could be necessary to guard against conciliation and kindness!

But it is not bigotry that requires those concessions; they were not invented by mere intolerance. The English do not dislike us as Catholics—they simply hate us as Irish; they exhaust their blood and treasure for the Papists of Spain; they have long observed and cherished a close and affectionate alliance with the ignorant and bigoted Papists of Portugal; and now they exert every sinew to preserve those Papists from the horrors of a foreign yoke. They emancipated the French Papists in Canada, and a German Papist is allowed to rise to the first rank in his profession—the army; he can command not only Irish but even English Protestants. Let us, therefore, be just; there is no such horror of Popery in England as is supposed; they have a great dislike to Irish Papists; but separate the qualities—put the filthy whiskers and foreign visage of a German on the animal, and the Papist is entitled to high favor

from the just and discriminating English. We fight their battles; we beat their enemies; we pay their taxes, and we are degraded, oppressed and insulted, whilst the Spanish, the Portuguese, the French, and the German Papists are courted, cherished and promoted.

I revert now to the learned gentleman's accusation of the bishops. He has accused them of error in doctrine and of indiscretion in practice. He tells us that he is counsel to the college of Maynooth, and, in that capacity, he seems to arrogate to himself much theological and legal knowledge. I concede the law, but I deny the divinity; neither can I admit the accuracy of the eulogium which he has pronounced on that institution, with its mongrel board of control—half Papist and half Protestant. I was indeed at a loss to account for the strange want of talent—for the silence of Irish genius which has been remarked within the college. I now see it easily explained. The incubus of jealous and rival intolerance sits upon its walls, and genius, and taste, and talent fly from the sad dormitory, where sleeps the spirit of dullness. I have heard, indeed, of their Crawleys and their converts, but where or when, will that college produce a Magee or a Sandes, a M'Donnell or a Griffin? When will the warm heart of Irish genius exhibit in Maynooth such bright examples of worth and talent as those men disclose? Is it true, that the bigot may rule in Trinity College; the highest station in it may be the reward of writing an extremely bigoted and more foolish pamphlet; but still there is no conflicting principle of hostile jealousy in its rulers; and therefore Irish genius does not slumber there, nor is it smothered as at Maynooth.

The accusation of error brought against the bishops by the learned gentleman, is sustained simply upon his opinion and authority. The matter stands thus:—at the one side, we have the most Rev. and right Rev. the Catholic prelates of Ireland, who assert that there is schism in the proposed arrangement; on the other side, we have the very Rev. the counsel for the college of Maynooth, who asserts that there is no schism in that arrangement. These are the conflicting authorities. The Rev. prelates assert the one; he, the counsellor, asserts the other; and, as we have not leisure to examine the point

here doctrinally, we are reduced to the sad dilemma of choosing between the prelates and the lawyer. There may be a want of taste in the choice which I make, but I confess I cannot but prefer the bishops. I shall, therefore, say with them, there would be schism in the arrangement, and deny the assertion of the Rev. counsel, that it would not be schism. But suppose his reverence, the counsel for Maynooth, was right, and the bishops wrong, and that in the new arrangement there would be no schism, I then say, there would be worse; there would be corruption, and profligacy, and subserviency to the Castle in it, and its degrading effects would soon extend themselves to every rank and class of the Catholics.

I now come to the second charge which the learned gentleman, in his capacity of counsel to the college of Maynooth, has brought against the bishops. It consists of the high crime of "indiscretion." They were indiscreet, said he, in coming forward so soon and so boldly. What, when they found that a plan had been formed which they knew to be schismatic and degrading—when they found that this plan was matured, and printed, and brought into parliament, and embodied in a bill, and read twice in the House of Commons, without any consultation with, and, as it were, in contempt of the Catholics of Ireland—shall it be said, that it was either premature or indiscreet, solemnly and loudly to protest against such plan! If it were indiscreet, it was an indiscretion which I love and admire—a necessary indiscretion, unless, perhaps, the learned counsel for Maynooth, may imagine that the proper time would not arrive for this protest until the bill had actually passed, and all protest should be unavailing.

No, my lord, I cannot admire this thing called Catholic discretion, which would manage our affairs in secret, and declare our opinions, when it was too late to give them any importance. Catholic discretion may be of value at the Castle; a Catholic secret may be carried, to be discounted there for prompt payment. The learned gentleman may also tell us the price that Catholic discretion bears at the Castle, whether it be worth a place, a peerage, or a pension. But,

if it have value and a price for individuals, it is of no worth to the Catholic people. I reject and abjure it as applicable to public officers. Our opinions ought to be formed deliberately, but they should be announced manfully and distinctly. We should be despicable, and deserve to continue in slavery, if we could equivocate or disguise our sentiments on those subjects of vital importance; and I call upon you to thank the Catholic prelates, precisely because they had not the learned gentleman's quality of discretion, and that they had the real and genuine discretion, which made them publish resolutions consistent with their exalted rank and reverend character, and most consonant to the wishes and views of the Catholic people of Ireland.

I now draw to a close, and I conjure you not to come to any division. Let the amendment be withdrawn by my learned friend, and let our approbation of our amiable and excellent, our dignified and independent prelates, be, as it ought to be, unanimous. We want unanimity; we require to combine in the constitutional pursuit of Catholic Emancipation every class and rank of the Catholics—the prelate and the peer, the country gentleman and the farmer, the peasant and his priest; our career is to begin again; let our watchword be unanimity, and our object be plain and undisguised, as it has been, namely, simple Repeal. Let us not involve or embarrass ourselves with vetoes, and arrangements, and securities, and guards, and pretexts of divisions, and all the implements for ministerial corruption, and Castle dominion; let our cry be simple Repeal.

It is well—it is very well that the late bill has been rejected. I rejoice that it has been scouted. Our sapient friends at Cork called it a “Charter of Emancipation.” You, my lord, called it so; but, with much respect, you and they are greatly mistaken. In truth, it was no charter at all, nor like a charter; and it would not have emancipated. This charter of emancipation was no charter; and would give no emancipation. As a plain, prose-like expression, it was unsupported; and, as a figure and fiction, it made very bad poetry. No, my lord, the bill would have insulted your religion, and done almost nothing for your liberties; it would have done nothing



at all for the people—it would send a few of our discreet Catholics, with their Castle-discretion, into the House of Commons, but it would not have enabled Catholic peers in Ireland to vote for the representative peers; and thus the blunder arose, because those friends, who, I am told, took so much trouble for you, examined the act of Union only, and did not take the trouble of examining the act regulating the mode of voting for the representative peers.

The bill would have done nothing for the Catholic bar, save the paltry dignity of silk gowns; and it would have actually deprived that bar of the places of assistant-barrister, which as the law stands, they may enjoy. It would have done nothing in corporations—literally nothing at all; and when I pressed this on Mr. Plunket, and pointed out to him the obstacles to corporate rights, in a conference with which, since his return to Ireland, he honored me, he informed me—and informed me of course truly—that the reason why the corporations could not be further opened, or even the Bank of Ireland mentioned, was, because the English would not listen to any violation of chartered rights; and this bill, my lord—this inefficient, useless, and insulting bill—must be dignified with the appellation of a “Charter of Emancipation.” I do most respectfully entreat, my lord, that the expression may be well considered before it is used again.

And now let me entreat, let me conjure the meeting to banish every angry emotion, every sensation of rivalry or opposition; let us recollect that we owe this vote to the unimpeached character of our worthy prelates. Even our enemies respect them; and, in the fury of religious and political calumny, the breath even of hostile and polemical slander has not reached them. Shall Catholics, then, be found to express or even to imply censure?

Recollect, too, that your country requires your unanimous support. Poor, degraded, and fallen Ireland! has you, and, I may almost say, you alone to cheer and sustain her. Her friends have been lukewarm and faint hearted; her enemies are vigilant, active, yelling, and insulting. In the name of your country, I call on you not to divide, but to consecrate your unanimous efforts to her support, till bigotry shall be put to flight, and oppression banished this land for ever.

SPEECH IN 1813 ON REQUIRING SECURITIES FROM  
THE CATHOLICS.

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HAVING come here determined to address this meeting, I avail myself of this opportunity to solicit your patience and attention. Let me, in the first place, congratulate you on the progress which the principle of religious liberty has made since you last met. It has been greatly advanced by a magnificent discovery lately made by the English in ethics, and upon which I also beg leave to congratulate you. It is this: Several sagacious Englishmen have discovered, in the nineteenth century, and more than four hundred years after the propagation of science was facilitated by the art of printing—several sagacious Englishmen have made this wonderful discovery in moral philosophy, that a man is not necessarily a worse citizen for having a conscience, and that a conscientious adherence to a Christian religion is not an offence deserving of degradation or punishment.

The operation, however, of this discovery had its opponents; like gravitation and the cow-pock, it has been opposed, and, for the present, opposed with success; but the principle has not been resisted. Yes, our enemies themselves have been forced to concede our right to emancipation. Duigenan, and Nichol, and Scott are laughed at—not listened to; the principle is admitted—the right of liberty of conscience is not controverted—your emancipation is certain—it is now only a question of terms—it only remains to be seen whether we shall be emancipated upon their terms or upon ours.

They offer you emancipation, as Catholics, if you will kindly consent, in return, to become schismatics. They offer you liberty, as men, if you agree to become slaves after a new fashion—that is, your friends and your enemies have declared that you are entitled to Catholic emancipation and freedom, upon the trifling terms of schism and servitude!

Generous enemies!—bountiful friends! Yes, in their bounty they resemble the debtor who should address his creditor

thus :—" It is true, I owe you £100 ; I am perfectly well able to pay you ; but what will you give me if I hand you 6s. 8d. in the pound of your just debt, as a final adjustment?" "Let us allay all jealousies," continues the debtor—let us put an end to all animosities—I will give you one-third of what I owe you, if you will give me forty shillings in the pound of additional value, and a receipt in full, duly stamped into the bargain."

But why do I treat this serious and melancholy subject with levity? Why do I jest when my heart is sore and sad? Because I have not patience at this modern cant of securities, and vetoes, and arrangements, and clauses, and commissions. Securities against what? Not against the irritation and dislike which may and naturally ought to result from prolonged oppression and insult. Securities—not against the consequences of dissensions, distrusts, and animosities. Securities—not against foreign adversaries. The securities that are required from us are against the effects of conciliation and kindness—against the dangers to be apprehended from domestic union, peace, and cordiality. If they do not emancipate us—if they leave us aliens and outlaws in our native land—if they continue our degradation, and all those grievances that, at present, set our passions at war with our duty; then, they have no pretext for asking, nor do they require any securities; but should they raise us to the rank of Irishmen—should they give us an immediate and personal interest in our native land—should they share with us the blessings of the constitution—should they add to our duty the full tide of our interests and affection; then—then, say they, securities will be necessary. Securities and guards must be adopted. State bridles must be invented, and shackles and manacles must be forged, lest, in the intoxication of new liberty, we should destroy, only because we have a greater interest to preserve.

And do they—do these security-men deserve to be reasoned with? I readily admit—I readily proclaim Grattan's purity—his integrity—his patriotism; but, in his eagerness to obtain for us that liberty, for which he has so long and so zealously contended, he has overlooked the absurdity which those men fall into, who demand securities against the consequences of

emancipation, whilst they look for no securities against the effects of injustice and contumely.

Grattan has also overlooked the insult to our understandings and to our moral feelings which this demand for securities inflicts. Grattan is mistaken upon this topic; but he is the only man who is merely mistaken. The cry for securities has been raised, merely to retard the progress of emancipation. Canning affects to be our friend, because, since his conduct to his colleague, Viscount Castlereagh, he has found it difficult to obtain a niche in any administration. God preserve us from the friendship of Mr. Canning! I have no apprehension of Mr. Canning's enmity: he was our avowed enemy; that is, he always voted against us, from the moment he got pension or place under Pitt, to the time when he was dismissed from office, and rendered hopeless of regaining it. And, as for Lord Castlereagh, rely on it, that, though he may consent to change one kind of degradation for another, he never will consent to your attaining your freedom: and was it to obtain the vote of Lord Castlereagh that Grattan gave up our honor and our religion? Does Grattan forget—does he forgive the artificer of the Union, or the means by which it was achieved? Does not Grattan know that Lord Castlereagh first dyed his country in blood, and then sold her.

But, I repeat it, I have not patience, common patience with those men who cry out for securities, and will not see that they would obtain real security from the generous concession of plain right—from conciliation and kindness; all reasoning, all experience proves that justice to the Catholics ought to be, and has been, in the moments of distress and peril, the first and best security to the state. I will not stoop to argue the theory with any man. I will not condescend to enter into an abstract reasoning to prove that safety to a government ought to result from justice and kindness to the people, but I will point out the evidence of facts which demonstrate, that concession to Irish Catholics has in itself been resorted to, and produced security to our government—that they have considered and found it to be a security in itself—a safeguard against the greatest evils and calamities, and not a cause of danger or apprehension.

Ireland, in the connection with England, has but too constantly shared the fate of the prodigal's dog—I mean no personal allusion—she has been kicked in the insolence of prosperity, and she has borne all the famine and distress of adversity. Ireland has done more—she has afforded an abundant source of safety and security to England in the midst of every adversity; and at the hour of her calamity, England has had only to turn to Ireland with the offer of friendship and cordiality, and she has been rewarded by our cordial and unremitting succor.

Trace the history of the penal laws in their leading features, and you will see the truth of my assertion. The capitulation of Limerick was signed on the 3rd October, 1691. Our ancestors, by that treaty, stipulated for, and were promised the perfect freedom of their religion, and that no other oath should be imposed on Catholics, save the oath of allegiance. The Irish performed the entire of that treaty on their part: it remains unperformed, as it certainly is of force, in point of justice, to this hour, on the part of the English. Even in the reign of William, it was violated by that prince, whose generals and judges signed that treaty—by that prince who himself confirmed and enrolled it.

But he was the same prince that signed the order for the horrible, cold-blooded assassination and massacre of the unfortunate Macdonalds of Glencoe; and if his violation of the Limerick treaty was confined to some of the articles, it was only because the alteration in the succession, and the extreme pressure of foreign affairs, did not render it prudent nor convenient to offer further injury and injustice to the Irish Catholics.

But the case was altered in the next reign. The power and the glory, which England acquired by her achievements, under Marlborough—the internal strength, arising from the possession of liberty, enabled her to treat Ireland at her caprice, and she accordingly poured the full vial of her hatred upon the unfortunate Catholics of Ireland. England was strong and proud, and, therefore, unjust. The treaty of Limerick was trampled under foot—justice, and humanity, and conscience were trodden to the earth, and a code of laws inflicted on

the Irish Catholics, which Montesquieu has well said, ought to have been written in blood, and of which you still feel the emaciating cruelty—a code of laws which still leave you aliens in the land of your ancestors. Aliens!—did I say? Alas! you have not the privileges of alienage; for the alien can insist upon having six of his jury of his own nation, whilst you may have twelve Orangemen on yours.

But to return to our own history. The reigns of the First and of the Second George passed away; England continued strong; she persevered in oppression and injustice; she was powerful and respected; she, therefore, disregarded the sufferings of the Irish, and increased their chains. The Catholics once had the presumption to draw up a petition; it was presented to Primate Boulter, then governing Ireland. He not only rejected it with scorn and without a reply, but treated the insolence of daring to complain as a crime, and punished it as an offence, by recommending and procuring still more severe laws against the Papists, and the more active execution of the former statutes.

But a new era advanced; the war which George the Second waged on account of Hanover and America, exhausted the resources, and lessened, while it displayed, the strength of England. In the meantime the Duke of Bedford was Lord Lieutenant of Ireland. The ascendancy mob of Dublin, headed by a Lucas, insulted the Lord Lieutenant with impunity, and threatened the parliament. All was riot and confusion within, whilst France had prepared an army and a fleet for the invasion of Ireland. Serious danger menaced England. The very connection between the countries was in danger. The Catholics were, for the first time, thought of with favor. They were encouraged to address the Lord Lieutenant, and, for the first time, their address received the courtesy of a reply. By this slight civility (the more welcome for its novelty) the warm hearts and ready hands of the Irish Catholics were purchased. The foreign foe was deterred from attempting to invade a country where he could no longer have found a friend; the domestic insurgents were awed into silence; the Catholics and the government, simply by their combination, saved the state from its perils; and thus did the Catholics, in

a period of danger, and upon the very first application, and in return for no more than kind words, give, what we want to give, security to the empire.

From the year 1759, to the American war, England enjoyed strength and peace; the Catholics were forgotten, or recollected only for the purposes of oppression. England in her strength and her insolence oppressed America; she persevered in an obstinate and absurd course of vexation, until America revolted, flew to arms, conquered, and established her independence and her liberty.

This brings us to the second stage of modern Catholic history: for England, having been worsted in more than one battle in America, and having gained victories more fatal than many defeats, America, aided by France, having proclaimed independence, the English period for liberality and justice arrived, for she was in distress and difficulty. Distracted at home—baffled and despised abroad, she was compelled to look to Irish resources, and to seek for security in Ireland; accordingly, in the year 1778, our Emancipation commenced; the Catholics were hired into the active service of the state by an easy gratuity of a small share of their rights as human beings, and they in return gave, what we now desire to give, security to the empire.

The pressure of foreign evils, however, returned; Spain and Holland joined with France and America; success in her contest with the Colonies became daily more hopeless. The combined fleets swept the ocean; the English channel saw their superiority; the English fleet abandoned for a while the dominion of the sea; the national debt terrified and impoverished the country; distress and difficulty pressed on every side, and, accordingly, we arrived at the second stage of Catholic Emancipation; for, in 1782, at such a period as I have described, a second statute was passed, enlarging the privileges of the Catholics, and producing, in their gratitude and zeal, that security which we now tender to the sinking vessel of the state.

From 1782 to 1792, was a period of tranquillity; the expenses of the government were diminished, and her commerce greatly increased. The loss of America, instead of being an

evil, became an advantage to trade as well as to liberty. England again flourished, and again forgot us.

In 1792, the Catholics urged their claims, as they had more than once done before. But the era was inauspicious to them, for England was in prosperity. On the Continent, the confederation of German princes, and the assemblage of the French princes, with their royalist followers, the treaty of Pillnitz, and the army of the King of Prussia, gave hope of crushing and extinguishing France and her liberties for ever. At that moment the Catholic petition was brought before parliament; it was not even suffered, according to the course of ordinary courtesy, to lie on the table; it was rejected with indignation and with contempt. The head of the La Touche family, which has since produced so many first-rate Irishmen, then retained that Huguenot hatred for Catholics which is still cherished by Saurin, the Attorney-General for Ireland. La Touche proposed that the petition should be rejected, and it was rejected by a majority of 200 to only 13.

Fortune, however, changed. The invasion of the Prussians was unsuccessful; the French people worshipping the name, as if it were the reality of liberty, chased the Duke of Brunswick from their soil; the King of Prussia, in the Luttrell style, sold the pass; the German princes were confounded, and the French princes scattered; Dumouriez gained the battle of Jemappes, and conquered the Austrian Netherlands; the old governments of Europe were struck with consternation and dismay, and we arrived at the fourth, and hitherto the last stage of emancipation; for, after those events, in 1793, was passed that act which gave us many valuable political rights—many important privileges.

The parliament—the same men who, in 1792, would not suffer our petition to lie on the table—the men who, in 1792, treated us with contempt, in the short space of a few months, granted us the elective franchise. In 1792, we were despised and rejected; in 1793, we were flattered and favored. The reason was obvious; in the year 1792, England was safe; in 1793 she wanted security, and security she found in the emancipation of the Catholics, partial though it was and limited. The spirit of republican frenzy was abroad; the en-



thusiasm for liberty, even to madness, pervaded the public mind. The Presbyterians and Dissenters of the North of Ireland were strongly infected with that mania; and had not England wisely and prudently bought all the Catholic nobility and gentry, and the far greater part of the Catholic people out of the market of republicanism, that which fortunately was but a rebellion, would, most assuredly, have been revolution. The Presbyterians and Catholics would have united, and, after wading through the bloody delirium of a sanguinary revolution, we should now, in all likelihood, have some military adventurer seated on the throne of our legitimate sovereign.

But, I repeat it, England judged better; she was just and kind, and therefore she has been preserved. She sought for security where alone it could be found, and she obtained it.

Thus, in 1759, England wanted security against the turbulence of her ascendancy faction in Ireland, and against the fleet and arms of France; she was civil and courteous to the Catholics, and the requisite security was the result.

Thus, in 1778, England wanted security against the effects of her own misconduct and misfortunes in America; she granted some rights of property to the Irish Catholics, and the wanted security followed.

Thus, in 1782, England wanted security against the prodigality and profligacy of her administration—against the combined navies of France, Spain, and Holland; she conceded some further advantages to the Catholics, and she became safe and secure.

Thus, in 1795, England wanted security against the probable consequences of the disasters and treachery of the Prussians—the defeat of the Austrians, and especially against the revolutionary epidemic distemper which threatened the vitals of the constitution; she conferred on the Catholics some portion of political freedom, and the Catholics have recompensed her, by affording her subsequent security.

And thus has Emancipation been in all its stages the effect of the wants of England, but, at the same time, her resources in those wants. In her weakness and decay, Emancipation has given her health and strength; it was always hitherto a

remedy, and not in itself a disease ; it was, in short, her best protection and security. Away, then, with those idle, those absurd demands for control, and dominion over our mode of faith.

Let Grattan learn the sentiments of the Irish people ; let him know that we are ready to give the security of our properties and our lives to the state ; but we will not, we cannot, grant away any part of our religion. Before the Union, no vetoes, no arrangements, no inquisitions over our prelates were required.

If our Protestant fellow-countrymen did not ask them, why should the English suppose we can grant them to their stupid caprice ? But we are ready to give them security ; we are ready to secure them from foreign foes, and against the possibility of domestic dissension.

Yes, the hour of your Emancipation is at hand ; you will, you must be Emancipated ; not by the operation of any force or violence, which are unnecessary, and would be illegal on your part, but by the repetition of your constitutional demands by petition, and still more by the pressure of circumstances, and the great progress of events. Yes, your Emancipation is certain, because England wants the assistance of all her people. The dream of delivering the Continent from the dominion of Bonaparte has vanished. The idle romance of German liberty—who ever heard of German liberty?—is now a cheerless vision. The allied Russian and Prussian armies may, perhaps, escape, but they have little prospect of victory. The Americans have avenged our outrages on their seamen, by quenching the meteor blaze of the British naval flag. The war with the world—England, alone, against the world—is in progress. We shall owe to her good sense, what ought to be conceded by her generosity ; she cannot proceed without our aid ; she knows she can command that aid if she will but be just ; she can, for liberty, to which we are of right entitled, command the affections and the energies of the bravest and finest people in the world !

Recollect, too, that the financial distress of England accumulates. She owes, including the Irish debt, near a million of millions. Who is there so extravagant as to suppose, but that

there must arrive a period at which it will become impossible to borrow money, or to pay more interest? Our Irish debt has already exceeded, by nearly two-thirds, our means. We spend sixteen millions annually, and we collect, in revenue, about five millions. Our bank puts a paltry impression on three penny-worth of silver, and calls it tenpence. In short, with taxes increasing, debts accumulating, revenue diminishing, trade expiring, paper currency depreciating—who is so very blind as not to perceive, that England does and must require, the consolidation of all her people in one common cause, and in one common interest?

The plain path to safety—to security—lies before her. Let Irishmen be restored to their inherent rights, and she may laugh to scorn the shock of every tempest; the arrangements which the abolition of the national debt may require will then be effectuated, without convulsion or disturbance; and no foreign foe will dare to pollute the land of freemen and of brothers.

They have, however, struck out another resource in England; they have resolved, it is said, to resort to the protection of Orange Lodges. That system which has been declared by judges from the bench to be illegal and criminal, and found by the experience of the people to be bigoted and bloody—the Orange system, which has marked its progress in blood, in murder, and in massacre—the Orange system, which has desolated Ireland, and would have converted her into a solitude, but for the interposing hand of Cornwallis—the Orange system with all its sanguinary horrors is, they say, to be adopted in England!

Its prominent patron, we are told, is Lord Kenyon or Lord Yarmouth; the first an insane religionist of the Welsh Jumper sect, who, bounding in the air, imagines he can lay hold of a limb of the Deity, like Macbeth, snatching at the air-drawn dagger of his fancy! He would be simply ridiculous, but for the mischievous malignity of his holy piety, which desires to convert Papists from their errors, through the instrumentality of daggers of steel. Lord Kenyon may enjoy his ample sinecures as he pleases, but his folly should not goad to madness the people of Ireland.

As to Lord Yarmouth, I need not, indeed I could not, describe him ; and if I could, I would not disgust myself with the description ; but if Lord Kenyon or Lord Yarmouth have organized the Orange system, I boldly proclaim that he must have been bribed by the common enemy. Bigotry is not a gratuitous propensity. Giffard gets money for his calumnies and impudence ; so does Duigenan. The English Orange patrons must be bribed by France ; let them appeal to their private lives to repel my accusation. Can that man repel it, whose life is devoted to the accumulation of wealth to be added to wealth, already excessive and enormous?—who never was suspected of principle or honor?—whose finest feelings were always at market for money—who was ready to wed disgrace with a rich dowry, and would have espoused infamy with a large portion? If such a wretch lives, let him become the leader of the Orange banditti. The patron is worthy of the institution—the institution is suited to the patron.

You know full well that I do not exaggerate the horrors which the Orange system has produced, and must produce, if revived from authority, in this country. I have, in some of the hireling prints of London, read, under the guise of opposing adoption of the Orange system, the most unfounded praises of the conduct of the Irish Orangemen. They were called loyal, and worthy, and constitutional. Let me hold them up in their true light. The first authentic fact in their history occurs in 1795. It is to be found in the address of Lord Gosford, to a meeting of the magistrates of the county of Armagh, convened by his lordship, as governor of that county, on the 28th of December, 1795. Allow me to read the following passage from that address :

“Gentlemen—Having requested your attendance here this day, it be comes my duty to state the grounds upon which I thought it advisable to propose this meeting ; and at the same time to submit to your consideration a plan which occurs to me as most likely to check the enormities that have already brought disgrace upon this country, and may soon reduce it into deep distress.

“It is no secret that a persecution, accompanied with all the circumstances of ferocious cruelty, which have in all ages distinguished

that dreadful calamity, is now raging in this country. Neither age nor sex, nor even acknowledged innocence, as to any guilt in the late disturbances, is sufficient to excite mercy, much less to afford protection.

“The only crime which the wretched objects of this ruthless persecution are charged with, is a crime, indeed, of easy proof; it is simply a profession of the Roman Catholic faith, or an intimate connection with a person professing this faith. A lawless banditti have constituted themselves judges of this new species of delinquency, and the sentence they have denounced is equally concise and terrible. It is nothing less than a confiscation of all property, and an immediate banishment. It would be extremely painful, and surely unnecessary, to detail the horrors that are attendant on the execution of so rude and tremendous a proscription—one that certainly exceeds in the comparative number of those it consigns to ruin and misery, every example that ancient and modern history can supply; for where have we heard, or in what story of human cruelties have we read, of half the inhabitants of a populous country deprived, at one blow, of the means as well as the fruits of their industry, and driven, in the midst of an inclement season, to seek a shelter for themselves, and their helpless families, where chance may guide them?

“This is no exaggerated picture of the horrid scenes that are now acting in this country.”

Here is the first fact in the history of the Orangemen. They commenced their course by a persecution with every circumstance of ferocious cruelty. This lawless banditti, as Lord Gosford called them, showed no mercy to age, nor sex, nor acknowledged innocence. And this is not the testimony of a man favorable to the rights of those persecuted Catholics; he avows his intolerance in the very address of which I have read you a part; and though shocked at these Orange enormities, he still exults in his hostility to Emancipation.

After this damning fact from the early history of the Orangemen, who can think with patience on the revival or extension of this murderous association? It is not, it ought not, it cannot be endured, that such an association should be restored to its power of mischief by abandoned and unprincipled courtiers. But I have got in my possession a document which demonstrates the vulgar and lowly origin, as well as the traitorous and profligate purpose of this Orange society. It has been repeatedly sworn to in judicial proceedings, that the original oath of an Orangeman was an oath to exterminate the Catholics.

In some years after the society was formed, men of a higher class of society became members of it, and being too well educated to endure the plain declaration to exterminate, they changed the form of the oath to its present shape, but carefully retained all the persecuting spirit of the Armagh exterminators. The document I allude to, was printed for the use of the Orange Lodges; it was never intended for any eye but that of the initiated, and I owe it to something better than chance that I got a copy of it; it was printed by William M'Kenzie, printer to the Grand Orange Lodge, in 1810, and is entitled, "Rules and Regulations for the use of all Orange Societies, revised and corrected by a Committee of the Grand Orange Lodge of Ireland, and adopted by the Grand Orange Lodge, January 10th, 1810." I can demonstrate from this document that the Orange is a vulgar, a profligate, and a treasonable association. To prove it treasonable, I read the following, which is given as the first of their secret articles:—"That we will bear true allegiance to his Majesty, his heirs and successors, so long as he or they support the Protestant ascendancy."

The meaning is obvious, the Orangeman will be loyal just so long as he pleases. The traitor puts a limit to his allegiance, suited to what he shall fancy to be meant by the words "Protestant ascendancy." If the legislature presumes to alter the law for the Irish Catholics as it did for the Hanoverian Catholics, then is the Orangeman clearly discharged from his allegiance, and allowed, at the first convenient opportunity, to raise a civil war; and this is what is called a loyal association. Oh! how different from the unconditional, the ample, the conscientious oath of allegiance of the Irish Catholic! I pass over the second secret article, as it contains nothing worthy of observation; but from the third I shall at once demonstrate what pitiful and vulgar dogs the original Orangemen were. Mark the third secret article, I pray you—"That we will not see a brother offended for sixpence or one shilling, or more if convenient, which must be returned next meeting if possible." Such is the third of the secret Orange articles. I presume even Lord Yarmouth will go with them the full length of their liberality of sixpence or one shilling, but further his convenience may prevent him.

The fourth secret article is quite characteristic—"That we must not give the first assault to any person whatsoever, that may bring a brother into trouble." You perceive the limitation. They are entitled to give the first assault in all cases, but that in which it may not be quite prudent; they are restricted from commencing their career of aggression, unless they are, I presume, ten to one—unless they are armed and the Catholics disarmed—unless their superiority in numbers and preparation is marked and manifest. See the natural alliance of cowardice with cruelty. They are ready to assault you, when no brother of theirs can be injured; but if there be danger of injury to one of their brotherhood, they are bound to restrain, for that time, their hatred of the Catholics, and to allow them to pass unattacked. This fourth article proves, better than a volume, the aggressive spirit of the institution, and accounts for many a riot, and many a recent murder. The fifth secret article exhibits the rule of Orangemen, with respect to robbery. "5th. We are not to carry away money, goods, or anything, from any person whatever, except arms and ammunition, and those only from an enemy." The rule allows them to commit felony to this extent—namely, the arms and ammunition of any Catholic, or enemy; and I have heard of a Catholic who was disarmed of some excellent silver spoons, and a silver cup, by a detachment of this banditti. Yes, Lord Gosford was right, when he called them a lawless banditti; for here is such a regulation as could be framed only for those whose object was plunder—whose means were murder. The sixth and seventh secret articles relate to the attendance and enrolling of members; but the eighth is of great importance—it is this:—"8th secret article—An Orangeman is to keep his brother's secrets as his own, unless in case of murder, treason and perjury, and that of his own free will." See what an abundant crop of crimes the Orangeman is bound to conceal for his brother Orangeman. Killing a Papist may, in his eyes, be no murder, and he might be bound to conceal that; but he is certainly bound to conceal all cases of riot, maiming, wounding, stabbing, theft, robbing, rape, house-breaking, house-burning, and every other human villainy, save murder, treason, and perjury. These are the good,

the faithful, the loyal subjects. They may, without provocation or excuse, attack and assault—give the first assault, mind, when they are certain no brother can be brought to trouble. They may feloniously and burglariously break into dwellings, and steal, take, and carry away whatever they please to call arms and ammunition. And, if the loyalty of a brother tempts him to go a little further, and to plunder any other articles, or to burn the house, or to violate female honor, his brother spectators of his crime are bound by their oaths to screen it forever from detection and justice. I know some men of better minds have been, in their horror of revolutionary fury, seduced into these lodges, or have unthinkingly become members of them; but the spirit, the object, and the consequences of this murderous and plundering association, are not the less manifest.

I do not calumniate them; for I prove the history of their foundation and origin by the unimpeachable testimony of Viscount Gosford, and I prove their principles by their own secret articles, the genuineness of which no Orangeman can or will deny. If it were denied, I have the means of proving it beyond a doubt. And when such principles are avowed, when so much is acknowledged and printed, oh, it requires but little knowledge of human nature to ascertain the enormities which must appear in the practice of those who have confessed so much of the criminal nature of their principles. There is, however, one consolation. It is to be found in their ninth secret article—"No Roman Catholic can be admitted on any account." I thank them for it, I rejoice at it; no Roman Catholic deserves to be admitted. No Roman Catholic would desire to belong to a society permitting aggression and violence, when safe and prudent, permitting robbery to a certain extent, and authorizing treason upon a given contingency. And now let me ask, what safety, what security can the minions of the court promise to themselves from the encouragement of this association? They do want security, and from the Catholics they can readily have it; and you, my friends, may want security, not from the open attacks of the Orangemen—for against those the law and your own courage will protect you; but of their secret machinations you ought to be warned. They will endeavor, nay, I am most credibly as-



sured, that at this moment their secret emissaries are endeavoring to seduce you into acts of sedition and treason, that they may betray and destroy you. Recollect what happened little more than twelve months ago, when the Board detected and exposed a similar delusion in Dublin. Recollect the unpunished conspiracy which was discovered at Limerick ; unpunished and unprosecuted was the author. Recollect the Mayor's Constable of Kilkenny, and he is still in office, though he administered an oath of secrecy, and gave money to his spy to treat the country people to liquor and seduce them to treason. I do most earnestly conjure you to be on your guard, no matter in what shape any man may approach, who suggests disloyalty to you—no matter of what religion he may affect to be—no matter what compassion he may express for your sufferings, what promises he may make ; believe me, that any man who may attempt to seduce you into any secret association or combination whatsoever, that suggests to you any violation of the law whatsoever, that dares to utter in your presence the language of sedition or of treason, depend upon it—take my word for it, and I am your sincere friend—that every such man is the hired emissary and the spy of your Orange enemies—that his real object is to betray you, to murder you under the forms of a judicial trial, and to ruin your country for your guilt. If, on the contrary, you continue at this trying moment peaceful, obedient and loyal ; if you avoid every secret association, and every incitement to turbulence ; if you persevere in your obedience to the laws, and in fidelity to the Crown and Constitution, your Emancipation is certain, and not distant, and your country will be restored to you ; your natural friends and protectors will seek the redress of your grievances in and from parliament, and Ireland will be again free and happy. If you suffer yourself to be seduced by these Orange betrayers, the members of the Board will be bound to resist your crimes with their lives ; you will bring disgrace and ruin on our cause ; you will destroy yourself and your families, and perpetuate the degradation and disgrace of your native land. But my fears are vain. I know your good sense ; I rely on your fidelity ; you will continue to baffle your enemies ; you will continue faithful and peaceable ; and thus shall you preserve yourselves, promote your cause, and give security to the empire.

SPEECH IN DEFENCE OF JOHN MAGEE, JULY 27,  
1813.

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MR. MAGEE was prosecuted for a libel on the Duke of Richmond, in the Dublin Evening Journal, of which he was the proprietor. The case was opened by Mr. Kemmis, followed by Attorney-General Saurin. Mr. O'Connell's reply was as follows :

I consented to the adjournment yesterday, gentlemen of the jury, from this impulse of nature which compels us to postpone pain ; it is, indeed, painful to me to address you ; it is a cheerless, a hopeless task to address you—a task which would require all the animation and interest to be derived from the working of a mind fully fraught with the resentment and disgust created in mine yesterday, by that farrago of helpless absurdity with which Mr. Attorney-General regaled you.

But I am now not sorry for the delay. Whatever I may have lost in vivacity, I trust I shall compensate for in discretion. That which yesterday excited my anger, now appears to me to be an object of pity ; and that which then aroused my indignation, now only moves to contempt. I can now address you with feelings softened, and, I trust, subdued ; and I do, from my soul, declare, that I now cherish no other sensations than those which enable me to bestow on the Attorney-General, and on his discourse, pure and unmixed compassion.

It was a discourse in which you could not discover either order, or method, or eloquence ; it contained very little logic, and no poetry at all ; violent and virulent, it was a confused and disjointed tissue of bigotry, amalgamated with congenial vulgarity. He accused my client of using Billingsgate, and he accused him of it in language suited exclusively for that meridian. He descended even to the calling of names : he called this young gentleman a "malefactor," a "Jacobin," and a "ruffian," gentlemen of the jury ; he called him "abominable," and "seditious," and "revolutionary," and "infamous," and a "ruffian" again, gentlemen of the jury ; he called him a "brothel keeper," a "pander," "a kind of bawd in breeches," and a "ruffian" a third time, gentlemen of the jury.

I cannot repress my astonishment, how Mr. Attorney-General could have preserved this dialect in its native purity; he has been now for nearly thirty years in the class of polished society; he has, for some years, mixed among the highest orders in the state; he has had the honor to belong for thirty years to the first profession in the world—to the only profession, with the single exception, perhaps, of the military, to which a high-minded gentleman could condescend to belong—the Irish bar. To that bar, at which he has seen and heard a Burgh and a Duquery; at which he must have listened to a Burston, a Ponsonby, and a Curran; to a bar which still contains a Plunket, a Ball, and despite of politics, I will add, a Bushe. With this galaxy of glory, flinging their light around him, how can he alone have remained in darkness? How has it happened, that the twilight murkiness of his soul has not been illumined with a single ray shot from their lustre? Devoid of taste and of genius, how can he have had memory enough to preserve this original vulgarity? He is, indeed, an object of compassion, and, from my inmost soul, I bestow on him my forgiveness, and my bounteous pity.

But not for him alone should compassion be felt. Recollect, that upon his advice—that with him, as the prime mover and instigator—those rash, and silly, and irritating measures, of the last five years which have afflicted and distracted this long-suffering country have originated—with him they have all originated. Is there not then compassion due to the millions, whose destinies are made to depend upon his counsel? Is there no pity to those who, like me, must know that the liberties of the tenderest pledges of their affections, and of that which is dearer still, of their country, depends on this man's advice?

Yet let not pity for us be unmixed; he has afforded the consolation of hope; his harangue has been heard; it will be reported—I trust faithfully reported; and if it be but read in England, we may venture to hope that there may remain just so much good sense in England as to induce the conviction of the folly and the danger of conducting the government of a brave and long-enduring people by the counsels of so tasteless and talentless an adviser.

See what an imitative animal man is! The sound of ruffian—ruffian—ruffian, had scarcely died on the Attorney-General's lips, when you find the word honored with all the permanency of print, in one of his pensioned and well-paid, but ill-read newspapers. Here is the first line in the Dublin Journal of this day:—"The ruffian who writes for the Freeman's Journal." Here is an apt scholar—he profits well of the Attorney-General's tuition. The pupil is worthy of the master—the master is just suited to the pupil.

I now dismiss the style and measure of the Attorney-General's discourse, and I require your attention to its matter. that matter I must divide, although with him there was no division, into two unequal portions. The first, as it was by far the greater portion of his discourse, shall be that which was altogether inapplicable to the purposes of this prosecution. The second, and infinitely the smaller portion of his speech, is that which related to the subject matter of the indictment which you are to try. He has touched upon and disfigured a great variety of topics. I shall follow him at my good leisure through them. He has invited me to a wide field of discussion. I accept his challenge with alacrity and with pleasure.

This extraneous part of his discourse, which I mean first to discuss, was distinguished by two leading features. The first, consisted of a dull and reproving sermon, with which he treated my colleagues and myself, for the manner in which we thought fit to conduct this defence. He talked of the melancholy exhibition of four hours wasted, as he said, in frivolous debate, and he obscurely hinted at something like incorrectness of professional conduct. He has not ventured to speak out, but I will. I shall say nothing for myself; but for my colleagues—my inferiors in professional standing, but infinitely my superiors in every talent and in every acquirement—my colleagues, whom I boast as my friends, not in the routine language of the bar, but in the sincerity of my esteem and affection; for my learned and upright colleagues, I treat the unfounded insinuation with the most contemptuous scorn!

All I shall expose is the utter inattention of the fact, which, in small things as in great, seems to mark the Attorney-Gen-

eral's career. He talks of four hours. Why, it was past one before the last of you were digged together by the Sheriff, and the Attorney-General rose to address you before three. How he could contrive to squeeze four hours into that interval, is for him to explain; nor should I notice it, but that it is the particular prerogative of dullness to be accurate in the detail of minor facts, so that the Attorney-General is without an excuse, when he departs from them, and when for four hours you have had not quite two. Take this also with you, that we assert our uncontrollable right to employ them as we have done; and as to his advice, we neither respect, nor will we receive it; but we can afford cheerfully to pardon the vain presumption that made him offer us counsel.

For the rest, he may be assured that we will never imitate his example. We will never volunteer to mingle our politics, whatever they may be, with our forensic duties. I made this the rigid rule of my professional conduct; and if I shall appear to depart from this rule now, I bid you recollect that I am compelled to follow the Attorney-General into grounds which, if he had been wise, he would have avoided.

Yes; I am compelled to follow him into the discussion of his conduct toward the Catholics. He has poured out the full vial of his own praise on that conduct—praise in which, I can safely assure him, he has not a single unpaid rival. It is a topic upon which no unbribed man, except himself, dwells. I admit the disinterestedness with which he praises himself, and I do not envy him his delight, but he ought to know, if he sees or hears a word of that kind from any other man, that that man receives or expects compensation for his task, and really deserves money for his labor and invention.

My lord, upon the Catholic subject, I commence with one assertion of the Attorney-General, which I trust I misunderstood. He talked, as I collected him, of the Catholics having imbibed principles of a seditious, treasonable, and revolutionary nature! He seemed to me, most distinctly to charge us with treason! There is no relying on his words for his meaning—I know there is not. On a former occasion, I took down a repetition of this charge full seventeen times on my brief, and yet, afterwards, it turned out that he never intended to make

any such charge; that he forgot he had ever used those words, and he disclaimed the idea they naturally convey. It is clear, therefore, that upon this subject he knows not what he says; and that these phrases are the mere flowers of his rhetoric, but quite innocent of any meaning!

Upon this account I pass him by, I go beyond him, and I content myself with proclaiming those charges, whosoever may make them, to be false and base calumnies! It is impossible to refute such charges in the language of dignity or temper. But if any man dares to charge the Catholic body, or the Catholic Board, or any individuals of that Board with sedition or treason, I do here, I shall always in this court, in the city, in the field, brand him as an infamous and profligate liar!

Pardon the phrase, but there is no other suitable to the occasion. But he is a profligate liar who so asserts, because he must know that the whole tenor of our conduct confutes the assertion. What is it we seek?

CHIEF JUSTICE.—What, Mr. O'Connell, can this have to do with the question which the jury are to try?

MR. O'CONNELL.—You heard the Attorney-General traduce and calumniate us—you heard him with patience and with temper—listen now to our vindication!

I ask, what is it we seek? What is it we incessantly and, if you please, clamorously petition for? Why, to be allowed to partake of the advantages of the constitution. We are earnestly anxious to share the benefits of the constitution. We look to the participation in the constitution as our greatest political blessing. If we desired to destroy it, would we seek to share it? If we wished to overturn it, would we exert ourselves through calumny, and in peril, to obtain a portion of its blessings? Strange, inconsistent voice of calumny! You charge us with intemperance in our exertions for a participation in the constitution, and you charge us at the same time, almost in the same sentence, with a design to overturn the constitution. The dupes of your hypocrisy may believe you; but base calumniators, you do not, you cannot believe yourselves!

The Attorney-General—"this wisest and best of men," as his

colleague, the Solicitor-General, called him in his presence—the Attorney-General next boasted of his triumph over Pope and Popery—"I put down the Catholic Committee; I will put down, at my good time, the Catholic Board." This boast is partly historical, partly prophecy. He was wrong in his history—he is quite mistaken in his prophecy. He did not put down the Catholic Committee—we gave up that name the moment that this sapient Attorney-General's polemica-legal controversy dwindled into a mere dispute about words. He told us that in the English language "pretence" means "purpose;" had it been French and not English, we might have been inclined to respect his judgment, but in point of English we venture to differ with him; we told him "purpose," good Mr. Attorney-General, is just the reverse of "pretence." The quarrel grew warm and animated: we appealed to common sense, to the grammar and to the dictionary; common sense, grammar, and the dictionary, decided in our favor. He brought his appeal to this court, your lordship, and your brethren unanimously decided that in point of law—mark, mark, gentlemen of the jury, the sublime wisdom of the law—the court decided that, in point of law, "pretence" does mean "purpose!"

Fully contented with this very reasonable and more satisfactory decision, there still remained a matter of fact between us: the Attorney-General charged us with being representatives; we denied all representation. He had two witnesses to prove the fact for him; they swore to it one way at one trial, and directly the other way at the next. An honorable, intelligent, and enlightened jury disbelieved those witnesses at the first trial—matters were better managed at the second trial—the jury were better arranged. I speak delicately, gentlemen; the jury were better arranged, as the witnesses were better informed; and, accordingly, there was one verdict for us on the representative question, and one verdict against us.

You know the jury that found for us; you know that it was Sir Charles Saxton's Castle-list jury that found against us. Well, the consequence was, that, thus encouraged, Mr. Attorney-General proceeded to force. We abhorred tumult, and were weary of litigation; we new-modelled the agents and

managers of the Catholic petitions ; we formed an assembly, respecting which there could not be a shadow of pretext for calling it a representative body. We disclaim representation ; and we rendered it impossible, even for the virulence of the most malignant law-officer living, to employ the Convention Act against us—that, even upon the Attorney-General's own construction, requires representation as an ingredient in the offence it prohibits. He cannot possibly call us representatives ; we are individual servants of the public, whose business we do gratuitously but zealously. Our cause has advanced even from his persecution—and this he calls putting down the Catholic Committee !

Next, he glorifies himself in his prospect of putting down the Catholic Board. For the present, he, indeed, tells you, that much as he hates the Papists, it is unnecessary for him to crush our Board, because we injure our own cause so much. He says that we are very criminal, but we are so foolish that our folly serves as a compensation for our wickedness. We are very wicked and very mischievous, but then we are such foolish little criminals, that we deserve his indulgence. Thus he tolerates offences because of their being committed sillily ; and indeed, we give him so much pleasure and gratification by the injury we do our own cause, that he is spared the superfluous labor of impeding our petition by his prosecutions, fines, or imprisonments.

He expresses the very idea of the Roman Domitian, of whom some of you possibly may have read ; he amused his days in torturing men—his evenings he relaxed in the humble cruelty of impaling flies. A courtier caught a fly for his imperial amusement—"Fool," said the emperor, "fool, to give thyself the trouble of torturing an animal that was about to burn itself to death in the candle !" Such is the spirit of the Attorney-General's commentary on our Board. Oh, rare Attorney-General !—Oh, best and wisest of men !

But to be serious. Let me pledge myself to you that he imposes on you, when he threatens to crush the Catholic Board. Illegal violence may do it—force may effectuate it ; but your hopes and his will be defeated, if he attempts it by any course of law. I am, if not a lawyer, at least, a barrister. On this



subject I ought to know something, and I do not hesitate to contradict the Attorney-General on this point, and to proclaim to you and to the country that the Catholic Board is perfectly a legal assembly—that it not only does not violate the law, but that it is entitled to the protection of the law, and in the very proudest tone of firmness, I hurl defiance at the Attorney-General!

I defy him to allege a law or a statute, or even a proclamation that is violated by the Catholic Board. No, gentlemen, no; his religious prejudices—if the absence of every charity can be called anything religious—his religious prejudices really obscure his reason, his bigoted intolerance has totally darkened his understanding, and he mistakes the plainest facts and misquotes the clearest law, in the ardor and vehemence of his rancor. I disclaim his moderation—I scorn his forbearance—I tell him he knows not the law if he thinks as he says; and if he thinks so, I tell him to his beard, that he is not honest in not having sooner prosecuted us, and I challenge him to that prosecution.

It is strange—it is melancholy, to reflect on the miserable and mistaken pride that must inflate him to talk as he does of the Catholic Board. The Catholic Board is composed of men—I include not myself—of course, I always except myself—every way his superiors, in birth, in fortune, in talents, in rank. What! is he to talk of the Catholic Board lightly? At their head is the Earl of Fingal, a nobleman whose exalted rank stoops beneath the superior station of his virtues—whom even the venal minions of power must respect. We are engaged, patiently and perseveringly engaged, in a struggle through the open channels of the constitution for our liberties. The son of the ancient earl whom I have mentioned cannot in his native land attain any honorable distinction of the state, and yet Mr. Attorney-General knows that they are open to every son of every bigoted and intemperate stranger that may settle amongst us.

But this system cannot last; he may insult, he may calumniate, he may prosecute; but the Catholic cause is on its majestic march; its progress is rapid and obvious; it is cheered in its advance, and aided by all that is dignified and dispas-

sionate—by everything that is patriotic—by all the honor, all the integrity of the empire; and its success is just as certain as the return of to-morrow's sun, and the close of to-morrow's eve.

“We will—we must soon be emancipated, in despite of the Attorney-General, aided as he is by his august allies, the aldermen of Skinner's Alley. In despite of the Attorney-General and the aldermen of Skinner's Alley, our emancipation is certain, and not distant.

I have no difficulty in perceiving the motive of the Attorney-General, in devoting so much of his medley oration to the Catholic question, and to the expression of his bitter hatred to us, and of his determination to ruin our hopes. It had, to be sure, no connection with the cause, but it had a direct and natural connection with you. He has been, all his life, reckoned a man of consummate cunning and dexterity; and whilst one wonders that he has so much exposed himself upon those prosecutions, and accounts for it by the proverbial blindness of religious zeal, it is still easy to discover much of his native cunning and dexterity. Gentlemen, he thinks he knows his men—he knows you; many of you signed the no-Popery petition; he heard one of you boast of it; he knows you would not have been summoned on this jury, if you had entertained liberal sentiments; he knows all this, and, therefore it is that he, with the artifice and cunning of an experienced *nisi prius* advocate, endeavors to win your confidence, and command your affections by the display of his congenial illiberality and bigotry.

You are all, of course, Protestants; see what a compliment he pays to your religion and his own, when he endeavors thus to procure a verdict on your oaths; when he endeavors to seduce you to what, if you were so seduced, would be perjury, by indulging your prejudices, and flattering you by the coincidence of his sentiments and wishes. Will he succeed, gentlemen? Will you allow him to draw you into a perjury out of zeal for your religion? And will you violate the pledge you have given to your God to do justice, in order to gratify your anxiety for the ascendancy of what you believe to be his church? Gentlemen, reflect on the strange and monstrous

inconsistency of this conduct, and do not commit, if you can avoid it, the pious crime of violating your solemn oaths, in aid of the pious designs of the Attorney-General against Popery.

Oh, gentlemen! it is not in any lightness of heart I thus address you—it is rather in bitterness and sorrow; you did not expect flattery from me, and my client was little disposed to offer it to you; besides, of what avail would it be to flatter, if you came here pre-determined, and it is too plain that you are not selected for this jury from any notion of your impartiality?

But when I talk to you of your oaths and of your religion I would full fain I could impress you with a respect for both the one and the other. I, who do not flatter, tell you, that though I do not join with you in belief, I have the most unfeigned respect for the form of Christian faith which you profess. Would that its substance, not its forms and temporal advantages, were deeply impressed on your minds! then should I not address you in the cheerless and hopeless despondency that crowds on my mind, and drives me to taunt you with the air of ridicule I do. Gentlemen, I sincerely respect and venerate your religion, but I despise and I now apprehend your prejudices, in the same proportion as the Attorney-General has cultivated them. In plain truth, every religion is good—every religion is true to him who, in his due caution and conscience, believes it. There is but one bad religion, that of a man who professes a faith which he does not believe; but the good religion may be, and often is, corrupted by the wretched and wicked prejudices which admit a difference of opinion as a cause of hatred.

The Attorney-General, defective in argument, weak in his cause, has artfully roused your prejudices at his side. I have, on the contrary, met your prejudices boldly. If your verdict shall be for me, you will be certain that it has been produced by nothing but unwilling conviction resulting from sober and satisfied judgment. If your verdict be bestowed upon the artifices of the Attorney-General, you may happen to be right; but do you not see the danger of its being produced by an admixture of passion and prejudice with your reason? How difficult is it to separate prejudice from reason, when they run

in the same direction. If you be men of conscience, then I call on you to listen to me, that your consciences may be safe, and your reason alone be the guardian of your oath, and the sole monitor of your decision.

I now bring you to the immediate subject of this indictment. Mr. Magee is charged with publishing a libel in his paper called the Dublin Evening Post. His lordship has decided that there is legal proof of the publication, and I would be sorry you thought of acquitting Mr. Magee under the pretence of not believing that evidence. I will not, therefore, trouble you on that part of the case; I will tell you, gentlemen, presently, what this publication is; but suffer me first to inform you what it is not—for this I consider to be very important to the strong, and, in truth, triumphant defence which my client has to this indictment.

Gentlemen, this is not a libel on Charles Lennox, Duke of Richmond, in his private or individual capacity. It does not interfere with the privacy of his domestic life. It is free from any reproach upon his domestic habits or conduct; it is perfectly pure from any attempt to traduce his personal honor or integrity. Towards the man, there is not the least taint of malignity; nay, the thing is still stronger. Of Charles Duke of Richmond, personally, and as disconnected with the administration of public affairs, it speaks in terms of civility and even respect. It contains this passage, which I read from the indictment:—

“Had he remained what he first came over, or what he afterwards professed to be, he would have retained his reputation for honest open hostility, defending his political principles with firmness, perhaps with warmth, but without rancor; the supporter and not the tool of an administration; a mistaken politician, perhaps, but an honorable man and a respectable soldier,”

The Duke is here in this libel, my lords—in this libel, gentlemen of the jury, the Duke of Richmond is called an honorable man and a respectable soldier! Could more flattering expressions be invented? Has the most mercenary press that ever yet existed, the mercenary press of this metropolis, contained in return for all the money it has received, any

praise which ought to be so pleasing—"an honorable man and a respectable soldier?" I do, therefore, beg of you, gentlemen, as you value your honesty, to carry with you in your distinct recollection, this fact, that whatever of evil this publication may contain, it does not involve any reproach against the Duke of Richmond, in any other than in his public and official character.

I have, gentlemen, next to require you to take notice, that this publication is not indicted as a seditious libel. The word seditious is, indeed, used as a kind of make-weight in the introductory part of the indictment. But mark, and recollect, that this is not an indictment for sedition. It is not, then, for private slander, nor for any offence against the constitution, that Mr. Magee now stands arraigned before you.

In the third place, gentlemen, there is this singular feature in this case, namely—that this libel, as the prosecutor calls it, is not charged in this indictment to be "false."

The indictment has this singular difference from any other I have ever seen, that the assertions of the publications are not even stated to be false.

They have not had the courtesy to you, to state upon record, that these charges, such as they are, were contrary to the truth. This I believe to be the first instance in which the allegation of falsehood has been omitted. To what is this omission to be attributed? Is it that an experiment is to be made, how much further the doctrine of the criminality of truth can be drawn? Does the prosecutor wish to make another bad precedent? or is it in contempt of any distinction between truth and falsehood, that this charge is thus framed? or does he fear that you would scruple to convict, if the indictment charged that to be false, which you all know to be true?

However that may be, I will have you to remember, that you are now to pronounce upon a publication, the truth of which is not controverted. Attend to the case, and you will find you are not to try Mr. Magee for sedition which may endanger the state, or for private defamation which may press sorely upon the heart, and blast the prospects of a private family; and that the subject matter for your decision is not characterized as false, or described as untrue.

Such are the circumstances which accompany this publication, on which you are to pronounce a verdict of guilt or innocence. The case is with you ; it belongs to you exclusively to decide it. His lordship may advise, but he cannot control your decision, and it belongs to you alone to say whether or not, upon the entire matter, you conceive it to be evidence of guilt, and deserving of punishment. The statute law gives or recognizes this your right, and, therefore, imposes this on you as your duty. The legislative has precluded any lawyer from being able to dictate to you. The Solicitor-General cannot now venture to promulgate the slavish doctrine which he addressed to Doctor Sheridan's jury, when he told them, "not to presume to differ from the Court in matter of law." The law and the fact are here the same, namely—the guilty or innocent design of the publication.

Indeed, in any criminal case, the doctrine of the Solicitor-General is intolerable. I enter my solemn protest against it. The verdict which is required from the jury in any criminal case has nothing special in it—it is not the finding of the fact in the affirmative or negative—it is not, as in Scotland, that the charge is proved or not proved. No ; the jury is to say whether the prisoner be guilty or not ; and could a juror find a true verdict, who declared a man guilty upon evidence of some act, perhaps praiseworthy, but clearly void of evil design or bad consequences ?

I do, therefore, deny the doctrine of the learned gentleman ; it is not constitutional, and it would be frightful if it were. No judge can dictate to a jury—no jury ought to allow itself to be dictated to.

If the Solicitor-General's doctrine were established, see what oppressive consequences might result. At some future period, some man may attain the first place on the bench, by the reputation which is so easily acquired by a certain degree of church-wardening piety, added to a great gravity, and maidenly decorum of manners. Such a man may reach the bench—for I am putting an imaginary case—he may be a man without passions, and therefore without vices ; he may, my lord, be a man superfluously rich, and therefore, not to be bribed with money, but rendered partial by his bigotry, and

corrupted by his prejudices; such a man, inflated by flattery, and bloated in his dignity, may hereafter use that character for sanctity which has served to promote him, as a sword, to hew down the struggling liberties of his country; such a judge may interfere before trial! and at the trial be a partisan!

Gentlemen, should an honest jury—could an honest jury (if an honest jury were again found) listen with safety to the dictates of such a judge? I repeat it, therefore, that the Solicitor-General is mistaken—that the law does not, and cannot, require such a submission as he preached; and at all events, gentlemen, it cannot be controverted, that in the present instance, that of an alleged libel, the decision of all law and fact belongs to you.

I am then warranted in directing to you some observations on the law of libel, and in doing so, I disclaim any apology for the consumption of the time necessary for my purpose. Gentlemen, my intention is to lay before you a short and rapid view of the causes which have introduced into courts the monstrous assertion—that truth is crime!

It is to be deeply lamented, that the art of printing was unknown at the earlier periods of our history. If, at the time the barons wrung the simple but sublime charter of liberty from a timid, perfidious sovereign, from a violator of his word, from a man covered with disgrace, and sunk in infamy—if at the time when that charter was confirmed and renewed, the press had existed, it would, I think, have been the first care of those friends of freedom to have established a principle of liberty for it to rest upon, which might resist every future assault. Their simple and unsophisticated understandings could never be brought to comprehend the legal subtleties by which it is now argued, that falsehood is useful and innocent, and truth, the emanation and type of heaven, a crime. They would have cut with their swords the cobweb links of sophistry in which truth is entangled; and they would have rendered it impossible to re-establish this injustice without violating the principle of the constitution.

But in the ignorance of the blessing of a free press, they could not have provided for its security. There remains, how-

ever, an expression of their sentiments, on our statute books. The ancient parliament did pass a law against the spreaders of false rumors. This law proves two things—first, that before this statute, it was not considered a crime in law to spread even a false rumor, otherwise the statute would have been unnecessary ; and secondly, that in their notion of crime, falsehood was a necessary ingredient. But here I have to remark upon, and regret the strange propensity of judges, to construe the law in favor of tyranny, and against liberty ; for servile and corrupt judges soon decided, that upon the construction of this law, it was immaterial whether the rumors were true or false, and that a law made to punish false rumors, was equally applicable to the true.

This, gentlemen, is called construction ; it is just that which in more recent times, and of inevitable consequence, from purer motives, has converted “pretence” into “purpose.”

When the art of printing was invented, its value to every sufferer—its terror to every oppressor was soon obvious, and means were speedily adopted to prevent its salutary effects. The Star-Chamber—the odious Star-Chamber was either created, or, at least, enlarged and brought into activity. Its proceedings were arbitrary—its decisions were oppressive, and injustice and tyranny were formed into a system. To describe it to you in one sentence, it was a prematurely packed jury. Perhaps that description does not shock you much. Let me report one of its decisions which will, I think, make its horrors more sensible to you—it is a ludicrous as well as a melancholy instance.

A tradesman—a ruffian, I presume, he was styled—in an altercation with a nobleman's servant, called the swan, which was worn on the servant's arm for a badge, a goose. For this offence—the calling the nobleman's badge of a swan a goose, he was brought before the Star-Chamber—he was, of course, convicted ; he lost, as I recollect, one of his ears on the pillory—was sentenced to two years' imprisonment, and a fine of £500 ; and all this to teach him to distinguish swans from geese.

I now ask you, to what is it you tradesmen and merchants are indebted for the safety and respect you can enjoy in society ? What is it which has rescued you from the slavery



in which persons who are engaged in trade were held by the iron barons of former days? I will tell you; it is the light, the reason, and the liberty which have been created, and will, in despite of every opposition, be perpetuated by the exertion of the press.

Gentlemen, the Star-Chamber was particularly vigilant over the infant struggles of the press. A code of laws became necessary to govern the new enemy to prejudice and oppression—the Press. The Star-Chamber adopted, for this purpose, the civil law, as it is called—the law of Rome—not the law at the periods of her liberty and her glory, but the law which was promulgated when she fell into slavery and disgrace, and recognized this principle, that the will of the prince was the rule of the law. The civil law was adopted by the Star-Chamber as its guide in proceedings against, and in punishing libellers; but, unfortunately, only part of it was adopted, and that, of course, was the part least favorable to freedom. So much of the civil law as assisted to discover the concealed libeller, and to punish him when discovered, was carefully selected; but the civil law allowed truth to be a defence, and that part was carefully rejected.

The Star-Chamber was soon after abolished. It was suppressed by the hatred and vengeance of an outraged people, and it has since, and until our days, lived only in the recollection of abhorrence and contempt. But we have fallen upon bad days and evil times; and in our days we have seen a lawyer, long of the prostrate and degraded bar of England, presume to suggest a high eulogium on the Star-Chamber, and regret its downfall; and he has done this in a book dedicated, by permission, to Lord Ellenborough. This is, perhaps, an ominous circumstance; and as Star-Chamber punishments have been revived—as two years of imprisonment has become familiar, I know not how soon the useless lumber of even well-selected juries may be abolished, and a new Star-Chamber created.

From the Star-Chamber, gentlemen, the prevention and punishment of libels descended to the courts of common law, and with the power they seem to have inherited much of the spirit of that tribunal. Servility at the bar, and profligacy on

the bench, have not been wanting to aid every construction unfavorable to freedom, and at length it is taken as granted and as clear law, that truth or falsehood are quite immaterial circumstances, constituting no part of either guilt or innocence.

I would wish to examine this revolting doctrine, and, in doing so, I am proud to tell you, that it has no other foundation than in the oft-repeated assertions of lawyers and judges. Its authority depends on what are technically called the dicta of the judges and writers, and not upon solemn or regular adjudications on the point. One servile lawyer has repeated this doctrine, from time to time, after another—and one overbearing judge has re-echoed the assertion of a time-serving predecessor, and the public have, at length, submitted.

I do, therefore, feel, not only gratified in having the occasion, but bound to express my opinion upon the real law of this subject. I know that opinion is but of little weight. I have no professional rank, or station, or talents to give it importance, but it is an honest and conscientious opinion, and it is this—that in the discussion of public subjects, and of the administration of public men, truth is a duty and not a crime.

You can, at least, understand my description of the liberty of the press. That of the Attorney-General is as unintelligible as contradictory. He tells you, in a very odd and quaint phrase, that the liberty of the press consists in there being no previous restraint upon the tongue or the pen. How any previous restraint could be imposed on the tongue it is for this wisest of men to tell you, unless, indeed, he resorts to Dr. Lad's prescription with respect to the toothache eradication. Neither can the absence of previous restraint constitute a free press, unless, indeed, it shall be distinctly ascertained, and clearly defined, what shall be subsequently called a crime. If the crime of libel be undefined, or uncertain, or capricious, then, instead of the absence of restraint before publication being an advantage, it is an injury; instead of its being a blessing, it is a curse—it is nothing more than a pitfall and snare for the unwary. This liberty of the press is only an opportunity and a temptation offered by the law to the commission of crime—it is a trap laid to catch men for punishment—it is not the liberty of discussing truth or discoun-

tenancing oppression, but a mode of rearing up victims for prosecution, and of seducing men into imprisonment.

Yet, can any gentleman concerned for the Crown give me a definition of the crime of libel? Is it not uncertain and undefined; and, in truth, is it not, at this moment, quite subject to the caprice and whim of the judge and of the jury? Is the Attorney-General—is the Solicitor-General disposed to say otherwise? If he do, he must contradict his own doctrine, and adopt mine.

But no, gentlemen, they must leave you in uncertainty and doubt, and ask you to give a verdict, on your oath, without furnishing you with any rational materials to judge whether you be right or wrong. Indeed, to such a wild extent of caprice has Lord Ellenborough carried the doctrine of crime in libel, that he appears to have gravely ruled, that it was a crime to call one lord “a stout-built, special pleader,” although, in point of fact, that lord was stout-built, and had been very many years a special pleader. And that it was a crime to call another lord, “a sheep-feeder from Cambridgeshire,” although that lord was right glad to have a few sheep in that county. These are the extravagant vagaries of the Crown lawyers and prerogative judges; you will find it impossible to discover any rational rule for your conduct, and can never rest upon any satisfactory view of the subject, unless you are pleased to adopt my description. Reason and justice equally recognize it, and believe me, that genuine law is much more closely connected with justice and reason than some persons will avow.

Gentlemen, you are now apprised of the nature of the alleged libel; it is a discussion upon the administration of public men. I have also submitted to you my view of the law applicable to such a publication; we are, therefore, prepared to go into the consideration of every sentence in the newspaper in question.

But before I do so, just allow me to point your attention to the motives of this young gentleman. The Attorney-General has threatened him with fine and a dungeon; he has told Mr. Magee that he should suffer in his purse and in his person. Mr. Magee knew his danger well. Mr. Magee, before he published this paper, was quite apprised that he ran the risk of

fine and of imprisonment. He knew also that if he changed his tone—that if he became merely neutral, but especially, if he went over to the other side and praised the Duke of Richmond—if he had sufficient gravity to talk, without a smile, of the sorrow of the people of Ireland at his Grace's departure—if he had a visage sufficiently lugubrious to say so, without laughing, to cry out “mournfully, oh! mournfully!” for the departure of the Duke of Richmond—if at a period when the people of Ireland, from Magherafelt to Dingledecouch, are rejoicing at that departure, Mr. Magee could put on a solemn countenance and pick up a grave and narcotic accent, and have the resolution to assert the sorrow of the people for losing so sweet and civil a Lord Lieutenant—why, in that case, gentlemen, you know the consequences. They are obvious. He might libel certain classes of his Majesty's subjects with impunity; he would get abundance of money, a place, and a pension—you know he would. The proclamations would be inserted in his paper. The wide-street advertisements, the ordnance, the barrack-board notices, and the advertisements of all the other public boards and offices—you can scarcely calculate how much money he sacrifices to his principles. I am greatly within bounds when I say, at least, £5,000 per annum, of the public money, would reach him if he were to alter his tone, and abandon his opinions.

Has he instructed me to boast of the sacrifices he thus makes? No, gentlemen, no, no; he deems it no sacrifice, because he desires no share in the public plunder; but I introduce this topic to demonstrate to you the purity of his intentions. He cannot be actuated, in the part he takes, by mean or mercenary motives; it is not the base lucre of gain that leads him astray. If he be mistaken, he is, at least, disinterested and sincere. You may dislike his political opinions, but you cannot avoid respecting the independence of his principles.

Behold, now, the publication which this man of pure principles is called to answer for as a libel. It commences thus:—

“DUKE OF RICHMOND.

“As the Duke of Richmond will shortly retire from the government of Ireland, it has been deemed necessary to take such a review of his

administration as may, at least, warn his successor from pursuing the errors of his Grace's conduct.

"The review shall contain many anecdotes of the Irish court which were never published, and which were so secret, that his Grace will not fail to be surprised at the sight of them in a newspaper."

In this paragraph there is nothing libellous ; it talks of the errors, indeed, of his Grace's administration ; but I do not think the Attorney-General will venture to suggest, that the gentle expression of "errors," is a libel.

To err, gentlemen, is human : and his Grace is admitted, by the Attorney-General, to be but a man ; I shall waste none of your time in proving, that we may, without offence, treat of his "errors." But, this is not even the errors of the man, but of his administration ; it was not infallible, I humbly presume.

I call your particular attention to the second paragraph ; it runs thus :

"If the administration of the Duke of Richmond had been conducted with more than ordinary talent, its errors might, in some degree have been atoned for by its ability, and the people of Ireland, though they might have much to regret, yet would have something to admire ; but truly, after the gravest consideration, they must find themselves at a loss to discover any striking feature in his Grace's administration, that makes it superior to the worst of his predecessors."

The Attorney-General dwelt much upon this paragraph, gentlemen, and the importance which he attached to it furnishes a strong illustration of his own consciousness of the weakness of his case. What is the meaning of this paragraph ? I appeal to you whether it be more than this—that there has been nothing admirable in his administration—that there has not been much ability displayed by it. So far, gentlemen, there is, indeed, no flattery, but still less of libel, unless you are prepared to say, that to withhold praise from any administration deserves punishment.

Is it an indictable offence not to perceive its occult talents ? Why, if it be, find my client guilty of not being a sycophant and a flatterer, and send him to prison for two years, to gratify the Attorney-General, who tells you that the Duke of Richmond is the best chief governor Ireland ever saw.

But the mischief, I am told, lies in the art of the sentence. Why, all that it says is, that it is difficult to discover the striking features that distinguish this from bad administrations. It does not, gentlemen, assert that no such striking features exist, much less, does it assert that no features of that kind exist, or that such features, although not striking, are not easily discernible. So that, really, you are here again required to convict a man for not flattering. He thinks an administration untalented and silly; that is no crime; he says, it has not been marked with talent or ability—that it has no striking features; all this may be mistaken and false, yet there is nothing in it that resembles a crime.

And, gentlemen, if it be true—if this be a foolish administration, can it be an offence to say so? If it has had no striking features to distinguish it from bad administrations, can it be criminal to say so? Are you prepared to say, that not one word of truth can be told under no less a penalty than years of a dungeon and heavy fines?

Recollect, that the Attorney-General told you that the press was the protection of the people against the government. Good Heaven! gentlemen, how can it protect the people against the government, if it be a crime to say of that government that it has committed errors, displays little talent, and has no striking features? Did the prosecutor mock you, when he talked of the protection the press afforded to the people? If he did not insult you by the admission of that upon which he will not allow you to act, let me ask, against what is the press to protect the people? When do the people want protection?—when the government is engaged in delinquencies, oppression, and crimes. It is against these that the people want the protection of the press. Now, I put it to your plain sense, whether the press can afford such protection, if it be punished for treating of these crimes?

Still more, can a shadow of protection be given by a press that is not permitted to mention the errors, the talents, and the striking features of an administration? Here is a watchman admitted by the Attorney-General to be at his post to warn the people of their danger, and the first thing that is done to this watchman is to knock him down and bring him to

a dungeon for announcing the danger he is bound to disclose. I agree with the Attorney-General, the press is a protection, but it is not in its silence or in its voice of flattery. It can protect only by speaking out when there is danger, or error, or want of ability. If the harshness of this tone be complained of, I ask, what is it the Attorney-General would have? Does he wish that this protection should speak so as not to be understood; or, I again repeat it, does he mean to delude us with the name and the mockery of protection? Upon this ground, I defy you to find a verdict for the prosecutor, without declaring that he has been guilty of an attempt to deceive, when he talked of the protection of the press against errors, ignorance, and incapacity, which it is not to dare even to name. Gentlemen, upon this second paragraph, I am entitled to your verdict upon the Attorney-General's own admission.

He, indeed, passed on to the next sentence with an air of triumph, with the apparent certainty of its producing a conviction; I meet him upon it—I read it boldly—I will discuss it with you manfully—it is this :

“ They insulted, they oppressed, they murdered, and they deceived.”

The Attorney-General told us, rather ludicrously, that “ They,” meaning the Duke's predecessors, included, of course, himself. How a man could be included amongst his predecessors, it would be difficult to discover. It seems to be that mode of expression which would indicate that the Attorney-General, notwithstanding his foreign descent, has imbibed some of the language of the native Irish. But our blunders arise not, like this, from a confusion of ideas; they are generally caused by too great condensation of thought; they are, indeed, frequently of the head, but never—never of the heart. Would I could say so much for the Attorney-General; his blunder is not to be attributed to his cool and cautious head; it sprung, I much fear, from the misguided bitterness of the bigotry of his heart.

Well, gentlemen, this sentence does, in broad and distinct terms, charge the predecessors of the Duke, but not the Duke himself, with insult, oppression, murder, and deceit. But it is history, gentlemen: are you prepared to silence the voice of

history? Are you disposed to suppress the recital of facts—the story of the events of former days? Is the historian, and the publisher of history, to be exposed to indictment and punishment?

Let me read for you two passages from Doctor Leland's History of Ireland. I choose a remote period to avoid shocking your prejudices, by the recital of the more modern crimes of the faction to which most of you belong. Attend to this passage, gentlemen.

“Anno 1574.—A solemn peace and concord was made between the Earl of Essex and Felim O’Nial. However, at a feast, wherein the Earl entertained that chieftain, and at the end of their good cheer, O’Nial, with his wife, were seized; their friends, who attended, were put to the sword before their faces. Felim, together with his wife and brother, were conveyed to Dublin, where they were cut up in quarters.”

How would you have this fact described? In what lady-like terms is the future historian to mention this savage and brutal massacre? Yet Essex was an English nobleman—a predecessor of his Grace; he was accomplished, gallant, and gay; the envied paramour of the virgin queen; and, if he afterwards fell on the scaffold, one of the race of the ancient Irish may be permitted to indulge the fond superstition that would avenge the royal blood of the O’Nial and of his consort, on their perfidious English murderer.

But my soul fills with bitterness, and I will read of no more Irish murders. I turn, however, to another page, and I will introduce to your notice another predecessor of his Grace the Duke of Richmond. It is Grey, who, after the recall of Essex, commanded the English forces in Munster. The fort of Smerwick, in Kerry, surrendered to Grey at discretion. It contained some Irish troops, and more than 700 Spaniards. The historian shall tell you the rest:

“That mercy for which they sued was rigidly denied them. Wingfield was commissioned to disarm them, and when this service was performed, an English company was sent into the fort.

“The Irish rebels found they were reserved for execution by martial law.

“The Italian general and some officers were made prisoners of war:



but the garrison was butchered in cold blood; nor is it without pain, that we find a service so horrid and detestable, committed to Sir Walter Raleigh."

"The garrison was butchered in cold blood," says the historian. Furnish us, Mr. Attorney-General, with gentle accents and sweet words, to speak of this savage atrocity; or will you indict the author? Alas! he is dead, full of years and respect—as faithful an historian as the prejudices of his day would allow, and a beneficed clergyman of your church.

Gentlemen of the jury, what is the mild language of this paper compared with the indignant language of history? Raleigh—the ill-starred Raleigh—fell a victim to a tyrant master, a corrupt or overawed jury, and a virulent Attorney-General; he was baited at the bar with language more scurrilous and more foul than that you heard yesterday poured upon my client. Yet, what atonement to civilization could his death afford for the horrors I have mentioned?

Decide, now, gentlemen, between those libels—between that defamer's history and my client. He calls those predecessors of his Grace, murderers. History has left the living records of their crimes from the O'Nial, treacherously slaughtered, to the cruel cold butchery of the defenceless prisoners. Until I shall see the publishers of Leland and of Hume brought to your bar, I defy you to convict my client.

To show you that my client has treated these predecessors of his Grace with great lenity, I will introduce to your notice one, and only one more of them; and he, too, fell on the scaffold—the unfortunate Strafford, the best servant a despotic king could desire.

Amongst the means taken to raise money in Ireland, for James the First, and his son Charles, a proceeding called "a commission to inquire into defective titles," was invented. It was a scheme, gentlemen, to inquire of every man what right he had to his own property, and to have it solemnly and legally determined that he had none. To effectuate this scheme required great management, discretion, and integrity. First, there were 4,000 excellent horse raised for the purpose of being, as Strafford himself said, "good lookers on." The rest of the arrangement I would recommend to modern prac-

tice ; it would save much trouble. I will shortly abstract it from two of Strafford's own letters.

The one appears to have been written by him to the Lord Treasurer ; it is dated the 3d December, 1634. He begins with an apology for not having been more expeditious in this work of plunder, for his employers were, it seems, impatient at the melancholy waste of time. He then says :

“Howbeit, I will redeem the time as much as I can, with such as may give furtherance to the king's title, and will inquire out fit men to serve upon the juries.”

Take notice of that, gentlemen, I pray you ; perhaps you thought that the “packing of juries” was a modern invention—a new discovery. You see how greatly mistaken you were ; the thing has example and precedent to support it, and the authority of both are, in our law, quite conclusive.

The next step was to corrupt—oh, no, to interest the wise and learned judges. But commentary becomes unnecessary, when I read for you this passage from a letter of his to the king, dated the 9th of December, 1636 :

“Your Majesty was graciously pleased, upon my humble advice, to bestow four shillings in the pound upon your Lord Chief Justice and Lord Chief Baron in this kingdom, fourth of the first yearly rent raised upon the commission of defective title, which, upon observation, I find to be the best given that ever was. For now they do intend it, with a care and diligence, such as if it was their own private, and most certain gaining to themselves ; every four shillings once paid, shall better your revenue for ever after, at least five pounds.”

Thus, gentlemen of the jury, all was ready for the mockery of law and justice, called a trial.

Now let me take any one of you ; let me place him here, where Mr. Magee stands ; let him have his property at stake ; let it be of less value, I pray you, than a compensation for two years' imprisonment ; it will, however, be of sufficient value to interest and rouse all your agony and anxiety. If you were so placed here, you would see before you the well-paid Attorney-General, perhaps, malignantly delighted to pour his rancor upon you ; on the bench would sit the corrupt and partisan judge, and before you, on that seat which you now

occupy, would be placed the packed and predetermined jury. I beg, sir, to know what would be your feelings, your honor, your rage; would you not compare the Attorney-General to the gambler who played with a loaded die, and then you would hear him talk, in solemn and monotonous tones, of his conscience! Oh, his conscience, gentlemen of the jury!

But the times are altered. The press, the press, gentlemen, has effectuated a salutary revolution; a commission of defective titles would no longer be tolerated; the judges can no longer be bribed with money, and juries can no longer be—I must not say it. Yes, they can, you know—we all know they can be still inquired out, and “packed,” as the technical phrase is. But you, who are not packed, you, who have been fairly selected, will see that the language of the publication before us is mildness itself, compared with that which the truth of history requires—compared with that which history has already used.

I proceed with this alleged libel.

The next sentence is this—

“The profligate, unprincipled Westmoreland.” I throw down the paper and address myself in particular to some of you. There are, I see, amongst you some of our Bible distributors, “and of our suppressors of vice.” Distributors of Bibles, suppressors of vice—what call you profligacy? What is it you would call profligacy? Suppose the peerage was exposed for sale—set up at open auction—it was at that time a judicial office—suppose that its price, the exact price of this judicial office, was accurately ascertained by daily experience—would you call that profligacy? If pensions were multiplied beyond bounds and beyond example—if places were augmented until invention was exhausted, and then were subdivided and split into halves, so that two might take the emoluments of each, and no person do the duty—if these acts were resorted to in order to corrupt your representatives—would you, gentle suppressors of vice, call that profligacy?

If the father of children selected in the open day his adulterous paramour—if the wedded mother of children displayed her crime unblushingly—if the assent of the titled or untitled wittol to his own shame was purchased with the people’s

money—if this scene—if these were enacted in the open day, would you call that profligacy, sweet distributors of Bibles? The women of Ireland have always been beautiful to a proverb; they were, without an exception, chaste beyond the terseness of a proverb to express; they are still as chaste as in former days, but the depraved example of a depraved court has furnished some exceptions, and the action of criminal conversation, before the time of Westmoreland unknown, has since become more familiar to our courts of justice.

Call you the sad example which produced those exceptions—call you that profligacy, suppressors of vice and Bible distributors? The vices of the poor are within the reach of control; to suppress them, you can call in aid the churchwarden and the constable; the justice of the peace will readily aid you, for he is a gentleman—the Court of Sessions will punish those vices for you by fine, by imprisonment, and, if you are urgent, by whipping. But, suppressors of vice, who shall aid you to suppress the vices of the great? Are you sincere, or are you, to use your own phraseology, whitewashed tombs—painted charnel-houses? Be ye hypocrites? If you are not—if you be sincere—(and, oh, how I wish that you were)—if you be sincere, I will steadily require to know of you, what aid you expect, to suppress the vices of the rich and great? Who will assist you to suppress those vices? The churchwarden!—why he, I believe, handed them into the best pew in one of your cathedrals, that they might lovingly hear Divine service together. The constable!—absurd. The justice of the peace!—no, upon his honor. As to the Court of Sessions, you cannot expect it to interfere; and my lords the judges are really so busy at the assizes, in hurrying the grand juries through the presentments, that there is no leisure to look after the scandalous faults of the great. Who, then, sincere and candid suppressors of vice, can aid you? The Press; the Press alone talks of the profligacy of the great; and, at least, shames into decency those whom it may fail to correct. The Press is your, but your only assistant. Go, then, men of conscience, men of religion—go, then, and convict John Magee, because he published that Westmoreland was profligate and unprincipled as a lord lieutenant—do, con-

vict, and then return to your distribution of Bibles and to your attacks upon the recreations of the poor, under the name of vices.

Do, convict the only aid which virtue has, and distribute your Bibles that you may have the name of being religious; upon your sincerity depends my client's prospect of a verdict. Does he lean upon a broken reed?

I pass on from the sanctified portion of the jury which I have latterly addressed, and I call the attention of you all to the next member of the sentence—

“The cold-hearted and cruel Camden.”

Here I have your prejudices all armed against me. In the administration of Camden, your faction was cherished and triumphant. Will you prevent him to be called cold and cruel? Alas! to-day, why have I not men to address who would listen to me for the sake of impartial justice! But even with you the case is too powerful to allow me to despair.

Well, I do say, “the cold and cruel Camden.” Why, on one circuit, during his administration, there were one hundred individuals tried before one judge; of these ninety-eight were capitally convicted, and ninety-seven hanged! I understand one escaped; but he was a soldier who murdered a peasant, or something of that trivial nature—ninety-seven victims in one circuit!

In the meantime, it was necessary, for the purposes of the Union, that the flame of rebellion should be fed. The meetings of the rebel colonels in the north were, for a length of time, regularly reported to government; but the rebellion was not then ripe enough; and whilst the fruit was coming to maturity, under the fostering hand of the administration, the wretched dupes atoned on the gallows for allowing themselves to be deceived.

In the meantime the soldiery were turned in at free quarters amongst the wives and daughters of the peasantry!

Have you heard of Abercrombie, the valiant and the good—he who, mortally wounded, neglected his wound until victory was ascertained—he who allowed his life's stream to flow unnoticed because his country's battle was in suspense—he who died the martyr of victory—he who commenced the ca-

reer of glory on the land, and taught French insolence, than which there is nothing so permanent—even transplanted, it exhibits itself to the third and fourth generation—he taught French insolence, that the British and Irish soldier was as much his superior by land, as the sailor was confessedly by sea—he, in short, who commenced that career which has since placed the Irish Wellington on the highest pinnacle of glory. Abercrombie and Moore were in Ireland under Camden. Moore, too, has since fallen at the moment of triumph—Moore, the best of sons, of brothers, of friends, of men—the soldier and the scholar—the soul of reason and the heart of pity—Moore has, in documents of which you may plead ignorance, left his opinions upon record with respect to the cruelty of Camden's administration. But you all have heard of Abercrombie's proclamation, for it amounted to that; he proclaimed that cruelty in terms the most unequivocal; he stated to the soldiery and to the nation, that the conduct of the Camden administration had rendered “the soldiery formidable to all but the enemy.”

Was there no cruelty in thus degrading the British soldier? And say, was not the process by which that degradation was effectuated cruelty? Do, then, contradict Abercrombie, upon your oaths, if you dare; but, by doing so, it is not my client alone you will convict—you will also convict yourselves of the foul crime of perjury.

I now come to the third branch of this sentence; and here I have an easy task. All, gentlemen, that is said to the artificer and superintendent of the Union is this—“the artful and treacherous Cornwallis.” Is it necessary to prove that the Union was effectuated by artifice and treachery? For my part, it makes my blood boil when I think of the unhappy period which was contrived and seized on to carry it into effect; one year sooner, and it would have made a revolution—one year later, and it would have been for ever impossible to carry it. The moment was artfully and treacherously seized on, and our country, that was a nation for countless ages, has dwindled into a province, and her name and her glory are extinct for ever.

I should not waste a moment upon this part of the case, but

that the gentlemen at the other side who opposed that measure have furnished me with some topics which I may not, cannot omit. Indeed Mr. Magee deserves no verdict from any Irish jury, who can hesitate to think that the contriver of the Union is treated with too much lenity in this sentence; he fears your disapprobation for speaking with so little animosity of the artificer of the Union.

There was one piece of treachery committed at that period, at which both you and I equally rejoice; it was the breach of faith towards the leading Catholics; the written promises made them at that period have been since printed; I rejoice with you that they were not fulfilled; when the Catholic trafficked for his own advantage upon his country's miseries, he deserved to be deceived. For this mockery, I thank the Cornwallis administration. I rejoice, also, that my first introduction to the stage of public life, was in the opposition to that measure.

In humble and obscure distance, I followed the footsteps of my present adversaries. What their sentiments were then of the authors of the Union, I beg to read to you; I will read them from a newspaper set up for the mere purpose of opposing the Union, and conducted under the control of these gentlemen. If their editor should be gravely denied, I shall only reply—"Oh, cease your funning."\*

The charge of being a Jacobin, was at that time made against the present Attorney-General—him, plain William Saurin—in the very terms, and with just as much truth as he now applies it to my client. His reply shall serve for that of Mr. Magee. I take it from the anti-Union of the 22nd March, 1800.

"To the charge of Jacobin, Mr. Saurin said he knew not what it meant, as applied to him, except it was an opposition to the will of the British minister."

So says Mr. Magee; but, gentlemen, my eye lights upon another passage of Mr. Saurin's in the same speech from which I have quoted the above. It was in these words:

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\* A pamphlet full of wit and talent under this title was published by the Solicitor-General.

“Mr. Saurin admitted, that debates might sometimes produce agitations, but that was the price necessarily paid for liberty.”

Oh, how I thank this good Jew for the word. Yes, agitation is, as Mr. Saurin well remarked, the price necessarily paid for liberty. We have paid the price, gentlemen, and the honest man refuses to give us the goods.

Now, gentlemen, of this Mr. Saurin, then an agitator, I beg leave to read the opinion upon this Union, the author of which we have only called artful and treacherous. From this speech of the 13th March, 1800, I select these passages :

“Mr. Saurin said he felt it his duty to the crown, to the country, and to his family, to warn the minister of the dreadful consequences of persevering in a measure which the people of Ireland almost unanimously disliked.”

And again—

“He, for one, would assert the principles of the glorious revolution, and boldly declare in the face of the nation, that when the sovereign power dissolved the compact that existed between the government and the people, that moment the right of resistance accrues.

“Whether it would be prudent in the people to avail themselves of that right would be another question. But if a legislative union were forced on the country, against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation, and not a resistance against law.”

May I be permitted just to observe, how much more violent, this agitator of the year 1800, than we poor and timid agitators of the year 1813. When did we talk of resistance being a question of prudence? Shame upon the men who call us intemperate, and yet remember their own violence.

But, gentlemen, is the Attorney-General at liberty to change the nature of things with his own official and professional prospects? I am ready to admit that he receives thousands of pounds by the year of the public moneys, in his office of Attorney-General—thousands from the Crown-Solicitor—thousands, for doing little work, from the Custom-House; but does all this public booty with which he is loaded alter the nature of things, or prevent that from being a deceitful measure, brought about by artful and treacherous means, against which Mr. Saurin, in 1800, preached the holy doc-



trine of insurrection, sounded the tocsin of resistance, and summoned the people of the land to battle against it, as against usurpation?

In 1800, he absolves the subjects from their allegiance—if the usurpation, styled the Union, will be carried—and he, this identical agitator, in 1813, indicts a man, and calls him a ruffian, for speaking of the contrivers of the Union, not as usurpers, but as artful, treacherous men. Gentlemen, pity the situation in which he has placed himself; and pray, do not think of inflicting punishment upon my client for his extreme moderation.

It has been coarsely urged, and it will, I know, be urged in the splendid misrepresentations with which the Solicitor-General can so well distort the argument he is unable to meet—it will, I know, be urged by him, that having established the right to use this last paragraph—having proved that the predecessors of the Duke were oppressors and murderers, and profligate, and treacherous, that the libel is only aggravated thereby, as the first paragraph compares and combines the Duke of Richmond with the worst of his predecessors.

This is a most fallacious assertion; and here it is that I could wish I had to address a dispassionate and an enlightened jury. You are not, you know you are not, of the selection of my client. Had he the poor privilege of the sheep-stealer, there are, at least, ten of you who should never have been on his jury. But the jury he would select is not such a jury in his favor, as has been impanelled against him; he desires no favor; he would desire only that the most respectable and unprejudiced of your city should be selected for his trial; his only ambition would be perfect impartiality; he would desire, and I should desire for him, a jury whose verdict of conviction, if they did convict him, would produce a sense of error and a feeling more painful to his mind of being wrong than a star-chamber sentence.

If I had to address such a jury, how easily could I show them that there is no comparison—no attempt at similitude. On the contrary, the object of the writer is clearly to make a contrast. Grey murdered; but he was an able statesman; his massacre was a crime in itself, but eminently useful to his em-

ployers; it contributed mainly to secure the forfeiture of the overgrown territories of the House of Desmond. Essex was a murderer, but his extreme of vice was accompanied by great military services; he was principally instrumental in effectuating the conquest of Ireland—even his crimes served the cause of his royal mistress, and the territory of the slaughtered O'Nial became shire land; he had terrific cruelty to answer for, but he could give it some answer in the splendor and solidity of his services. So of Strafford—he was an eminent oppressor, but he was also eminently useful to his royal master.

As to the Duke of Richmond, the contrast is intended to be complete—he has neither great crimes nor great virtues. He did not murder, like Essex and Grey, but he did not render any splendid services. In short, his administration has been directly the reverse of these. It has been marked by errors and not crimes. It has not displayed talents as they did; and it has no striking features as they had. Such is the fair, the rational, and the just construction which a fair, rational, and just jury would put upon it.

Indeed, the Attorney-General seems to feel it was necessary for him to resort to other topics, in order to induce you to convict upon this part of the case. He tells you that this is the second time that the Duke of Richmond has been called a murderer. Gentlemen, in this indictment there is no allegation that the Duke is styled a murderer by this publication; if there had been, he should be readily acquitted, even for the variance; and when the Attorney-General resorts to Barry's case, he does it to inflame your passions, and mislead your understandings—and then what has the Irish Magazine to do with this trial?

Walter Cox, with his Irish Magazine, is as good a Protestant as the king's Attorney-General, and probably quite as sincere in the profession of that religion, though by no means as much disposed to persecute those who differ from him in religious belief. Indeed, if he were a persecutor of his countrymen, he would not be where he is—in prison; he would probably enjoy a full share of the public plunder, and which is now lavished on the stupid journals in the pay of the Castle—from the

versatile, venal, and verbose correspondent, to the equally dull and corrupt Dublin Journal.

It is, however, not true, that he is in jail because he published what is called a libel. The Attorney-General talked with a gloating pleasure of the miseries poor Watty Cox endures in jail—miseries that seem to give poignancy and zest to the enjoyments of his prosecutor. I will make him happy ; let him return from this court to his luxuries, and when he finds himself at his table, surrounded with every delicacy, and every profusion, remember that his prisoner Walter Cox is starving. I envy him not this relish, but I cannot suffer him to mislead you. Cox is not in jail because he published a libel ; he is there because he is poor. His time of imprisonment expired last February, but he was condemned to pay a fine of £300, and having no money, he has since remained in jail. It is his poverty, therefore, and not his crime, that detains him within the fangs of the Attorney-General—if, indeed, there be any greater crime in society than being poor.

And next, the Attorney-General makes a beautiful eulogium on Magna Charta. There we agree. I should indeed prefer seeing the principles of that great charter called into practical effect, to hearing any palinode, however beautiful, said or sung on its merits. But what recommendation can Magna Charta have for poor Cox ? That charter of liberty expressly provides that no man shall be fined beyond what he can pay. A very simple and natural provision against political severity. But Cox is fined £300 when he is not worth a single shilling. He appealed to this court for relief, and quotes Magna Charta. Your lordship was not pleased to give him any relief. He applies to the Court of Exchequer, and that Court, after hearing the Attorney-General against him, finds itself unable to give any relief ; and, after all this, the unfortunate man is to be tantalized with hearing that the Attorney-General contrived to couple his case with the praise of the great charter of liberty—a most unlucky coincidence—almost enough to drive him, in whose person that charter is violated, into a state of insanity.

Poor Watty Cox is a coarse fellow, and, I think, he would be apt to reply to that praise in the profane and contemptuous

rhyme of Cromwell; most assuredly he has no reason to treat this useless law with great reverence. It would, indeed, appear as if the prosecutor eulogized Magna Charta only to give more brilliancy to his triumph, which he has obtained in the person of poor Cox over it.

The next topic of the Attorney-General's triumphant abuse was the book entitled, "The Statement of the Penal Laws." He called it a convicted book. He exulted that the publisher was in prison; he traduced the author, and he distorted and misrepresented the spirit and meaning of that book. As to the publisher, he is, I admit, in prison. The Attorney-General has had the pleasure of tearing a respectable citizen, of irreproachable character and conduct, from his wife and the little children who were rendered comfortable by his honest, persevering industry, and he has immured him in a dungeon. I only congratulate him on his victory.

As to the author, he is just the reverse of what the Attorney-General would wish him to be; he is a man of fortune; he is an able lawyer—a professional scholar—an accomplished gentleman—a sincere friend to his country, which he has ornamented and served. As to the book, it is really ludicrous to an extreme degree of comicality to call it a convicted book. There are about 400 pages in the work; it contains an elaborate, unexaggerated, and, I think, softened detail of the laws which aggrieve the Catholics of Ireland, and of the practical results of those laws. Such a system, to which the Attorney-General is wedded, as much as to his own emolument, must have excited no small share of irritation in his mind. It produced a powerful sensation on the entire party to which he belongs. Abundant attempts were made to answer it: they were paid for out of the public money; they totally failed, and yet if the book had been erroneous, there could be nothing easier than its confutation.

If that book had been mistaken in matter of law, or exaggerated in matter of fact, its refutation would have been found, where we have found and proved its perfect accuracy, in the statute book and in the daily experience of every individual in Ireland. Truth, you are told by the prosecutor, is no defence in case of libel; but certainly this book was much the more

provoking for being true ; and yet, gentlemen, with the most powerful incentives to prosecute this book, the Attorney-General has been compelled, most reluctantly, to spare every word of the 400 pages of text and margin, and has been unable to find any pretext for an indictment, save in a paltry note containing eight lines and a half, and three marks of admiration.

My lords, I address your lordships particularly on the three notes of admiration, because they formed a prominent ground in your lordship's learned argument, when you decided that the passage was a libel per se. Yes, gentlemen, admire again, I pray you, the solidity and brilliancy of our law, in which three marks of admiration are of wonderful efficacy in sending a man to prison. But with the exception of the note of eight and a half lines, the book has borne the severest criticism of fact and of law. It has defied, and continues to defy, the present Attorney-General and his well-assorted juries ; and, as to the note which he indicted, it contained only a remark on the execution of a man who, whether innocent or guilty, was tried in such a manner, that a gentleman of the Irish bar, his counsel, threw up his brief in disgust ; and when the judge who presided at the trial ordered the counsel to remain and defend Barry, that counsel swore, in this court, that he rejected the judge's mandate with contempt.

What a mighty triumph was the conviction proved against this note on Barry's case ! And may one be permitted mournfully to ask, whether the indignation, which might have produced indiscretion in speaking of Barry's fate, was a very culpable quality in a feeling mind, prone to detest the horrors with which human blood is sometimes shed under the forms and mockery of trial ? But that conviction, although it will erase the note, will not stay the demand which an intelligent public make for this valuable work. Already have two valuable editions of it been sold, and a third edition is loudly called for, and about to appear.

What, in the meantime, has been the fate of the answers ? I see two booksellers amongst you ; they will tell you that the answers are recollected only by the loss they have produced to them, and by the cumbering of their shelves. Such is the

result of the loyal triumph of his Grace the Duke of Richmond's administration. May such in every age be the fruits of every prosecutor of free discussion, and of the assertion of political truth !

I have followed the Attorney-General through his discussion upon Walter Cox, and "The Statement of the Penal Laws," without being able exactly to conjecture his motives for introducing them. As to Cox, it appears to be the mere gratification of his delight at the misery to which that unfortunate man is reduced. As to "the book," I can only conjecture that his wish is to insinuate to you that the author of "the book" and of this publication is the same. If that were his design, it may be enough to say, that he has not proved the fact, and, therefore, in fairness, it ought not at all to influence your decision. I go further and tell him, that the fact is not so ; that the author is a different person ; that the writer of this alleged libel is a Protestant—a man of fortune—a man of that rank and estimation, that even the Attorney-General, were I to announce his name, which my client will never do, or suffer his advocate to do, that name would extort respect, even from the Attorney-General himself.

He has, in his usual fashion, calumniated the spirit and object of "The Statement of the Penal Laws." He says it imputes murder and every other crime to persons in high stations, as resulting from their being Protestants. He says that it attributes to the Lord Lieutenant the committing murder on a Catholic, because he himself is a Protestant. Gentlemen, I wish you had read that book ; if you did, it would be quite unnecessary for me to contradict those assertions of the Attorney-General. In fact, there never were assertions more unfounded : that book contains nothing that could warrant his description of it ; on the contrary, the book seeks to establish this position, that the grievances which the Irish Catholics suffer, are not attributable to the Protestant religion—that they are repugnant to the spirit of that religion, and are attributable, simply and singly, to the spirit of monopoly, and tone of superiority, generated and fostered by the system of exclusion, upon which the Penal Code rests.

The author of that book is confessedly a Catholic ; yet the

book states, and the Attorney-General heard the passage twice read in this court, that "if Roman Catholics were placed, by unjust laws, in the situation in which the Irish Protestants now are placed, they would oppress and exclude precisely as the Protestants now do." In short, his statement and reasonings are founded on this, that it is unjust to give any religion exclusive political advantages; because, whatever that religion may be, the result will necessarily prove oppressive and insulting towards the less favored sect. He argues not exclusively against any particular religion, but from natural causes operating on human beings. His book may be a libel on human nature, but it is no more a libel on the Protestant than on the Catholic religion. It draws no other inference than this, that Catholics and Protestants, under similar circumstances, would act precisely in the same way.

Having followed the prosecutor through this weary digression, I return to the next sentence of this publication. Yet I cannot—I must detain you still a little longer from it, whilst I supplicate your honest indignation, if in your resentments there be aught of honesty, against the mode in which the Attorney-General has introduced the name of our aged and afflicted sovereign. He says, this is a libel on the king, because it imputes to him a selection of improper and criminal chief governors. Gentlemen, this is the very acme of servile doctrine. It is the most unconstitutional doctrine that could be uttered: it supposes that the sovereign is responsible for the acts of his servants, whilst the constitution declares that the king can do no wrong, and that even for his personal acts, his servants shall be personally responsible. Thus, the Attorney-General reverses for you the constitution in theory; and, in point of fact, where can be found, in this publication, any, even the slightest allusion to his Majesty? The theory is against the Attorney-General, and yet, contrary to the fact, and against the theory, he seeks to enlist another prejudice of yours against Mr. Magee.

Prejudice did I call it? oh, no! it is no prejudice; that sentiment which combines respect with affection for my aged sovereign, suffering under a calamity with which heaven has willed to visit him, but which is not due to any default of his.

There never was a sentiment that I should wish to see more cherished—more honored. To you the king may appear an object of respect; to his Catholic subjects he is one of veneration; to them he has been a bountiful benefactor. To the utter disregard of your aldermen of Skinner's Alley, and the more pompous magnates of William street, his Majesty procured, at his earnest solicitation from parliament, the restoration of much of our liberties. He disregarded your anti-Popery petitions. He treated with calm indifference the ebullitions of your bigotry; and I owe to him that I have the honor of standing in the proud situation from which I am able, if not to protect my client, at least to pour the indignant torrent of my discourse against his enemies, and those of his country.

The publication to which I now recall you, goes to describe the effects of the facts which I have shown you to have been drawn from the undisputed and authentic history of former times. I have, I hope, convinced you, that neither Leland nor Hume could have been indicted for stating those facts, and it would be a very strange perversion of principle, which would allow you to convict Mr. Magee for that which has been stated by other writers, not only without punishment, but with applause.

That part of the paragraph which relates to the present day is in these words :

“Since that period the complexion of the times has changed—the country has advanced—it has outgrown submission, and some forms, at least, must now be observed towards the people.”

The system, however, is still the same; it is the old play with new decorations, presented in an age somewhat more enlightened; the principle of government remains unaltered—a principle of exclusion which debars the majority of the people from the enjoyment of those privileges that are possessed by the minority, and which must, therefore, maintain itself by all those measures necessary for a government founded on injustice.

The prosecutor insists that this is the most libellous part of the entire publication. I am glad he does so; because if



there be amongst you a single particle of discrimination, you cannot fail to perceive that this is not a libel—that this paragraph cannot constitute any crime. It states that the present is a system of exclusion. Surely, it is no crime to say so ; it is what you all say. It is what the Attorney-General himself gloried in. This is, said he, exclusively a Protestant government. Mr. Magee and he are agreed. Mr. Magee adds, that a principle of exclusion, on account of religion, is founded on injustice. Gentlemen, if a Protestant were to be excluded from any temporal advantages upon the score of his religion, would not you say that the principle upon which he was excluded was unjust? That is precisely what Mr. Magee says ; for the principle which excludes the Catholic in Ireland, would exclude the Protestant in Spain and in Portugal, and there you clearly admit its injustice. So that, really, you would condemn yourselves, and your own opinions, and the right to be a Protestant in Spain and Portugal, if you condemn this sentiment.

But I would have you further observe that this is no more than the discussion of an abstract principle of government ; it arraigns not the conduct of any individual, or of any administration ; it only discusses and decides upon the moral fitness of a certain theory, on which the management of the affairs of Ireland has been conducted. If this be a crime, we are all criminals ; for this question, whether it be just or not to exclude from power and office a class of the people for religion, is the subject of daily—of hourly discussion. The Attorney-General says it is quite just ; I proclaim it to be unjust—obviously unjust. At all public meetings, in all private companies, this point is decided in different ways, according to the temper and the interest of individuals. Indeed, it is but too much the topic of every man's discourse ; and the jails and the barracks of the country would not contain the hundredth part of those whom the Attorney-General would have to crowd into them, if it be penal to call the principle of exclusion unjust. In this court, without the least danger of interruption or reproof, I proclaim the injustice of that principle.

I will then ask whether it be lawful to print that which it is not unlawful to proclaim in the face of a court of justice ? And

above all, I will ask whether it can be criminal to discuss the abstract principles of government? Is the theory of the law a prohibited subject? I had understood that there was no right so clear and undoubted as that of discussing abstract and theoretic principles, and their applicability to practicable purposes. For the first time do I hear this disputed; and now see what it is the Attorney-General prohibits. He insists upon punishing Mr. Magee; first, because he accuses his administration of "errors;" secondly, because he charges them with not being distinguished for "talents;" thirdly, because he cannot discover their "striking features;" and fourthly, because he discusses an "abstract principle!"

This is quite intelligible—this is quite tangible. I begin to understand what the Attorney-General means by the liberty of the Press; it means a prohibition of printing anything except praise, respecting "the errors, the talents, or the striking features" of any administration, and of discussing any abstract principle of government. Thus the forbidden subjects are errors, talents, striking features, and principles. Neither the theory of the government nor its practices are to be discussed; you may, indeed, praise them; you may call the Attorney-General "the best and wisest of men;" you may call his lordship the most learned and impartial of all possible chief justices; you may, if you have powers of visage sufficient, call the Lord Lieutenant the best of all imaginable governors. That, gentlemen, is the boasted liberty of the press—the liberty that exists in Constantinople—the liberty of applying the most fulsome and unfounded flattery, but not one word of censure or reproof.

Here is an idol worthy of the veneration of the Attorney-General. Yes; he talked of his veneration for the liberty of the press; he also talked of its being a protection to the people against the government. Protection! not against errors—not against the want of talents or striking features—nor against the effort of any unjust principle—protection! against what is it to protect? Did he not mock you? Did he not plainly and palpably delude you, when he talked of the protection of the press? Yes. To his inconsistencies and contradictions he calls on you to sacrifice your consciences; and be-

cause you are no-Popery men, and distributors of Bibles, and aldermen of Skinner's Alley, and Protestant petitioners, he requires of you to brand your souls with perjury. You cannot escape it; it is, it must be perjury to find a verdict for a man who gravely admits that the liberty of the press is recognized by law, and that it is a venerable object, and yet calls for your verdict upon the ground that there is no such thing in existence as that which he has admitted, that the law recognizes, and that he himself venerates.

Clinging to the fond but faint hope that you are not capable of sanctioning, by your oaths, so monstrous an inconsistency, I lead you to the next sentence upon this record.

“Although his Grace does not appear to know what are the qualities necessary for a judge in Canada, or for an aid-de-camp in waiting at a court, he surely cannot be ignorant of what are requisites for a lord lieutenant.”

This appears to be a very innocent sentence; yet the Attorney-General, the venerator of that protection of the people against a bad government—the liberty of the press—tells you that it is a gross libel to impute so much ignorance to his Grace. As to the aid-de-camp, gentlemen, whether he be selected for the brilliancy of his spurs, the polish of his boots, or the precise angle of his cocked hat, are grave considerations which I refer to you. Decide upon these atrocities, I pray you. But as to the judge in Canada, it cannot be any reproach to his Grace to be ignorant of his qualifications. The old French law prevails in Canada, and there is not a lawyer at the Irish bar, except, perhaps, the Attorney-General, who is sufficiently acquainted with that law to know how far any man may be fit for the station of judge in Canada.

If this be an ignorance without reproach in Irish lawyers, and if there be any reproach in it, I feel it not, whilst I avow that ignorance—yet, surely it is absurd to torture it into a calumny against the Lord Lieutenant—a military man, and no lawyer. I doubt whether it would be a libel if my client had said, that his Grace was ignorant of the qualities necessary for a judge in Ireland—for a chief judge, my lord. He has not said so, however, gentlemen, and true or false, that is not

now the question under consideration. We are in Canada at present, gentlemen, in a ludicrous search for a libel in a sentence of no great point or meaning. If you are sapient enough to suspect that it contains a libel, your doubt can only arise from not comprehending it; and that, I own, is a doubt difficult to remove. But I mock you when I talk of this insignificant sentence.

I shall read the next paragraph at full length. It is connected with the Canadian sentence :

“Therefore, were an appeal to be made to him in a dispassionate and sober moment, we might candidly confess that the Irish would not be disappointed in their hopes of a successor, though they would behold the same smiles, experience the same sincerity, and witness the same disposition towards conciliation.

“What, though they were deceived in 1795, and found the mildness of a Fitzwilliam a false omen of concord; though they were duped in 1800, and found that the privileges of the Catholics did not follow the extinction of the parliament, yet, at his departure, he will, no doubt, state good grounds for future expectation; that his administration was not the time for Emancipation, but that the season is fast approaching; that there were ‘existing circumstances,’ but that now the people may rely upon the virtues even of an hereditary Prince; that they should continue to worship the false idol; that their cries must, at least, be heard; and that, if he has not complied, it is only because he has not spoken. In short, his Grace will in no way vary from the uniform conduct observed by most of his predecessors, first preaching to the confidence of the people, then playing upon their credulity.

“He came over ignorant—he soon became prejudiced, and then he became intemperate. He takes from the people their money; he eats of their bread, and drinks of their wine; in return, he gives them a bad government, and, at his departure, leaves them more distracted than ever. His Grace commenced his reign by flattery, he continued it in folly, he accompanied it with violence, and he will conclude it with falsehood.”

There is one part of this sentence, for which I most respectfully solicit your indulgence and pardon. Be not exasperated with us for talking of the mildness of Lord Fitzwilliam, or of his administration. But, notwithstanding the violence any praise of him has excited amongst you, come dispassionately, I pray you, to the consideration of the paragraph. Let us abstract the meaning of it from the superfluous words. It cer-

tainly does tell you, that his Grace came over ignorant of Irish affairs, and he acquired prejudices upon those subjects, and he has become intemperate. Let us discuss this part separately from the other matter suggested by the paragraph in question. That the Duke of Richmond came over to Ireland ignorant of the details of our domestic policy cannot be matter either of surprise or of any reproach. A military man engaged in these pursuits which otherwise occupy persons of his rank, altogether unconnected with Ireland, he could not have had any inducement to make himself acquainted with the details of our barbarous wrongs, of our senseless party quarrels, and criminal feuds; he was not stimulated to examine them by any interest, nor could any man be attracted to study them by taste. It is, therefore, no censure to talk of his ignorance—of that with which it would be absurd to expect that he should be acquainted; and the knowledge of which would neither have served, nor exalted, nor amused him.

Then, gentlemen, it is said he became “prejudiced.” Prejudiced may sound harsh in your ears; but you are not, at least you ought not, to decide upon the sound—it is the sense of the word that should determine you. Now what is the sense of the word “prejudice” here? It means the having adopted precisely the opinions which every one of you entertain. By “prejudice” the writer means, and can mean, nothing but such sentiments as you cherish. When he talks of prejudice, he intends to convey the idea that the Duke took up the opinion, that the few ought to govern the many in Ireland; that there ought to be a favored and an excluded class in Ireland; that the burdens of the state ought to be shared equally, but its benefits conferred on a few. Such are the ideas conveyed by the word prejudice; and I fearlessly ask you, is it a crime to impute to his Grace these notions which you yourselves entertain? Is he calumniated—is he libelled, when he is charged with concurring with you, gentlemen of the jury? Will you, by a verdict of conviction, stamp your own political sentiments with the seal of reprobation? If you convict my client, you do this: you decide that it is a libel to charge any man with those doctrines which are so useful to you individually, and of which you boast; or, you think the opinions just, and yet

that it is criminal to charge a man with those just opinions. For the sake, therefore, of consistency, and as an approval of your own opinions, I call on you for a verdict of acquittal.

I need not detain you long on the expression "intemperate;" it does not mean any charge of excess of indulgence in any enjoyment; it is not, as the Attorney-General suggested, an accusation of indulging beyond due bounds in the pleasures of the table, or of the bottle; it does not allude, as the Attorney-General says, to midnight orgies, or to morning revels. I admit—I freely admit—that an allusion of that kind would savor of libel, as it would certainly be unnecessary for any purpose of political discussion. But the intemperance here spoken of is mere political intemperance; it is that violence which every man of a fervid disposition feels in support of his political opinions. Nay, the more pure and honest any man may be in the adoption of his opinions, the more likely, and the more justifiable will he be in that ardent support of them, which goes by the name of intemperance.

In short, although political intemperance cannot be deemed by cold calculators as a virtue, yet it has its source in the purest virtues of the human heart, and it frequently produces the greatest advantages to the public. How would it be possible to overcome the many obstacles which self-interest, and ignorance, and passion throw in the way of improvement, without some of that ardor of temper and disposition which grave men call intemperance? And, gentlemen, are not your opinions as deserving of warm support as the opinion of other men; or do you feel any inherent depravity in the political sentiments which the Duke of Richmond has adopted from you, that would render him depraved or degraded by any violence in their support? You have no alternative. If you convict my client, you condemn, upon your oaths, your own political creed; and declare it to be a libel to charge any man with energy in your cause.

If you are not disposed to go this length of political inconsistency, and if you have determined to avoid the religious inconsistency of perjuring yourselves for the good and glory of the Protestant religion, do, I pray you, examine the rest of this paragraph, and see whether you can, by any ingo-

nulty, detect that nondescript, a libel, in it. It states in substance this : that this administration, treading in the steps of former administrations, preached to the confidence of the people, and played on their credulity ; and that it will end, as those administrations have done, in some flattering prophecy, paying present disappointment with the coinage of delusive hope. That this administration commenced, as usual, with preaching to the confidence of the people, was neither criminal in the fact, nor can it be unpleasant in the recital.

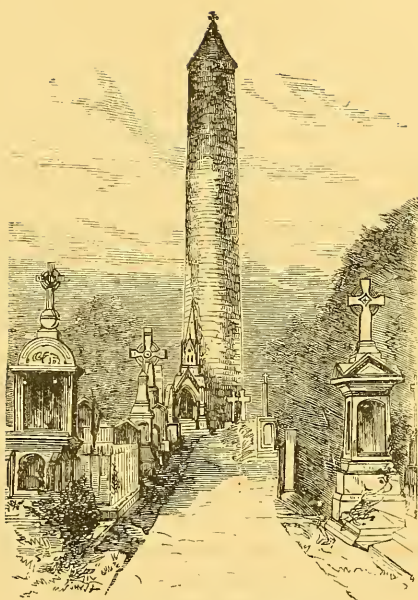
It is the immemorial usage of all administrations and of all stations, to commence with those civil professions of future excellence of conduct which are called, and not unaptly, "preaching to the confidence of the people." The very actors are generally sincere at this stage of the political farce ; and it is not insinuated that this administration was not as candid on this subject as the best of its predecessors. The playing on the credulity of the people is the ordinary state trick. You recollect how angry many of you were with his Grace for his Munster tour, shortly after his arrival here. You recollect how he checked the Mayor of Cork for proposing the new favorite Orange toast ; what liberality he displayed to Popish traders and bankers in Limerick ; and how he returned to the capital, leaving behind him the impression that the no-Popery men had been mistaken in their choice, and that the Duke of Richmond was the enemy of every bigotry—the friend to every liberality ! Was he sincere, gentlemen of the jury, or was this one of those innocent devices which are called—playing on the people's credulity ? Was he sincere ? Ask his subsequent conduct. Have there been since that time any other or different toasts cheered in his presence ? Has the name of Ireland and of Irishmen been profaned by becoming the sport of the warmth excited by the accompaniment to these toasts ? Some individuals of you could inform me. I see another dignitary of your corporation here [said Mr. O'Connell, turning round pointedly to the lord mayor]—I see a civic dignitary here, who could tell of the toasts of these days or nights, and would not be at a loss to apply the right name—if he were not too prudent as well as too polite to do so—to that innocent affectation of lib-

erality which distinguished his Grace's visit to the south of Ireland. It was, indeed, a play upon our credulity, but it can be no libel to speak of it as such; for see the situation in which you would place his Grace; you know he affected conciliation and perfect neutrality between our parties at first; you know he has since taken a marked and decided part with you.

Surely you are not disposed to call this a crime, as it were, to convict his Grace of duplicity, and of a vile hypocrisy. No, gentlemen, I entreat of you not to calumniate the Duke; call this conduct a mere play on the credulity of a people easily deceived—innocent in its intention, and equally void of guilt in its description. Do not attach to those words a meaning which would prove that you yourselves condemned, not so much the writer of them, as the man who gave color and countenance to this assertion. Besides, gentlemen, what is your liberty of the press worth, if it be worthy of a dungeon to assert that the public credulity has been played upon? The liberty of the press would be less than a dream, a shadow, if every such phrase be a libel.

But the Attorney-General triumphantly tells you that there must be a libel in this paragraph, because it ends with a charge of falsehood. May I ask you to take the entire paragraph together? Common sense and your duty require you to do so. You will then perceive that this charge of falsehood is no more than an opinion, that the administration of the Duke of Richmond will terminate precisely as that of many of his predecessors has done, by an excuse for the past—a flattering and fallacious promise for the future. Why, you must all of you have seen, a short time since, an account of a public dinner in London, given by persons styling themselves "Friends to Religious Liberty." At that dinner, at which two of the Royal Dukes attended, there were, I think, no less than four or five noblemen who had filled the office of lord lieutenant of Ireland. Gentlemen, at this dinner, they were ardent in their professions of kindness towards the Catholics of Ireland, in their declarations of the obvious policy and justice of conciliation and concession, and they bore ample testimony to our sufferings and our merits. But I appeal from their present declarations to their past conduct; they are now





O'CONNELL'S MONUMENT,  
In Glasnevin Cemetery.



full of liberality and justice to us ; yet, I speak only the truth of history, when I say that, during their government of this country, no practical benefits resulted from all this wisdom and kindness of sentiment ; with the single exception of Lord Fitzwilliam, not one of them even attempted to do any good to the Catholics, or to Ireland.

What did the Duke of Bedford do for us ? Just nothing. Some civility, indeed, in words—some playing on public credulity—but in act and deed, nothing at all. What did Lord Hardwicke do for us ? Oh, nothing, or rather less than nothing ; his administration here was, in that respect, a kind of negative quality ; it was cold, harsh, and forbidding to the Catholics ; lenient, mild, and encouraging to the Orange faction ; the public mind lay in the first torpor caused by the mighty fall of the Union, and whilst we lay entranced in the oblivious pool, Lord Hardwicke's administration proceeded without a trace of that justice and liberality which it appears he must have thought unbecoming the season of his government, and which, if he then entertained, he certainly concealed ; he ended, however, with giving us flattering hopes for the future. The Duke of Bedford was more explicit ; he promised in direct terms, and drew upon the future exertions of an hereditary prince, to compensate us for present disappointment. And will any man assert that the Duke of Richmond is libelled by a comparison with Lord Hardwicke ; that he is traduced when he is compared with the Duke of Bedford ? If the words actually were these : “ The Duke of Richmond will terminate his administration exactly as Lord Hardwicke and the Duke of Bedford terminated their administrations ;” if those were the words, none of you could possibly vote for a conviction, and yet the meaning is precisely the same. No more is expressed by the language of my client ; and, if the meaning be thus clearly innocent, it would be strange, indeed, to call on you for a verdict of conviction upon no more solid ground than this, that whilst the signification was the same, the words were different. And thus, again, does the prosecutor require of you to separate the sense from the sound, and to convict for the sound, against the sense of the passage.

In plain truth, gentlemen, if there be a harshness in the sound, there is none in the words. The writer describes, and means to describe, the ordinary termination of every administration repaying in promise the defaults of performance. And, when he speaks of falsehood, he prophesies merely as to the probable or at least possible conclusion of the present government. He does not impute to any precedent assertion, falsehood; but he does predict, that the concluding promise of this, as of other administrations, depending as those promises always do upon other persons for performance, will remain as former promises have remained—unfulfilled and unperformed. And is this prophecy—this prediction a crime? Is it a libel to prophecy? See what topics this sage venerator of the liberty of the press, the Attorney-General, would fain prohibit? First, he tells you, that the crimes of the predecessors of the Duke must not be mentioned—and thus he forbids the history of past events. Secondly, he informs you, that no allusion is to be made to the errors, follies, or even the striking features of the present governors; and thus he forbids the detail of the occurrences of the present day. And, thirdly, he declares that no conjecture shall be made upon what is likely to occur hereafter; and thus he forbids all attempts to anticipate future acts.

It comes simply to this; he talks of venerating the liberties of the press, and yet he restrains that press from discussing past history, present story, and future probabilities; he prohibits the past, the present, and the future; ancient records, modern truth, and prophecy, are all within the capacious range of his punishments. Is there anything else? Would this venerator of the liberty of the press go further? Yes, gentlemen, having forbidden all matter of history past and present, and all prediction of the future, he generously throws in abstract principles, and, as he has told you, that his prisons shall contain every person who speaks of what was, or what is, or what will be, he likewise consigned to the same fate every person who treats of the theory or principles of government; and yet he dares to talk of the liberty of the press! Can you be his dupes? Will you be his victims? Where is the conscience—where is the indignant spirit of insulted reason

amongst you? Has party feeling extinguished in your breasts every glow of virtue—every spark of manhood?

If there be any warmth about you—if you are not clay-cold to all but party feeling, I would, with the air and in the tone of triumph, call you to the consideration of the remaining paragraph which has been spread on the lengthened indictment before you. I divide it into two branches, and shall do no more with the one than to repeat it. I have read it for you already; I must read it again:

“Had he remained what he first came over, or what he afterwards professed to be, he would have retained his reputation for honest, open hostility, defending his political principles with firmness, perhaps with warmth, but without rancor; the supporter and not the tool of an administration; a mistaken politician, perhaps, but an honorable man, and a respectable soldier.”

Would to God I had to address another jury! Would to God I had reason and judgment to address, and I could entertain no apprehension from passion or prejudice! Here should I then take my stand, and require of that unprejudiced jury, whether this sentence does not demonstrate the complete absence of private malice or personal hostility. Does not this sentence prove a kindly disposition towards the individual, mixing and mingling with that discussion which freedom sanctions and requires, respecting his political conduct? Contrast this sentence with the prosecutor's accusation of private malignity, and decide between Mr. Magee and his calumniators. He, at least, has this advantage, that your verdict cannot alter the nature of things; and that the public must see and feel this truth, that the present prosecution is directed against the discussion of the conduct towards the public, of men confided with public authority; that this is a direct attack upon the right to call the attention of the people to the management of the people's affairs, and that, by your verdict of conviction, it is intended to leave no peaceful or unawed mode of redress for the wrongs and sufferings of the people.

But I will not detain you on these obvious topics. We draw to a close, and I hurry to it. This sentence is said to be particularly libellous:

“His party would have been proud of him ; his friends would have praised (they need not have flattered him), and his enemies, though they might have regretted, must have respected his conduct ; from the worst quarter there would have been some small tribute of praise ; from none any great portion of censure ; and his administration, though not popular, would have been conducted with dignity, and without offence. This line of conduct he has taken care to avoid : his original character for moderation he has forfeited ; he can lay no claims to any merits for neutrality, nor does he even deserve the cheerless credit of defensive operations. He has begun to act ; he has ceased to be a dispassionate chief governor, who views the wickedness and the folly of faction with composure and forbearance, and stands, the representative of majesty, aloof from the contest. He descends ; he mixes with the throng ; he becomes personally engaged, and, having lost his temper, calls forth his private passions to support his public principles ; he is no longer an indifferent viceroy, but a frightful partisan of an English ministry, whose base passions he indulges—whose unworthy resentments he gratifies, and on whose behalf he at present canvasses.”

Well, gentlemen, and did he not canvass on behalf of the ministry? Was there a titled or untitled servant of the Castle who was not despatched to the south to vote against the popular, and for the ministerial candidates? Was there a single individual within the reach of his Grace that did not vote against Prittie and Matthew, in Tipperary, and against Hutchinson, in Cork? I have brought with me some of the newspapers of the day, in which this partisanship in the Lord Lieutenant is treated by Mr. Hutchinson in language so strong and so pointed, that the words of this publication are mildness and softness itself, when compared with that language. I shall not read them for you, because I should fear that you may imagine I unnecessarily identified my client with the violent but the merited reprobation poured upon the scandalous interference of our government with those elections.

I need not, I am sure, tell you that any interference by the Lord Lieutenant with the purity of the election of members to serve in Parliament, is highly unconstitutional, and highly criminal ; he is doubly bound to the most strict neutrality ; first, as a peer, the law prohibits his interference ; secondly, as a representative of the crown, his interference in elections is an usurpation of the people's rights ; it is, in substance and effect, high treason against the people, and its mischiefs are

not the less by reason of there being no punishment affixed by the law to this treason.

If this offence, gentlemen, be of daily occurrence—if it be frequently committed, it is upon that account only the more destructive to our liberties, and, therefore, requires the more loud, direct, and frequent condemnation: indeed, if such practices be permitted to prevail, there is an end of every remnant of freedom; our boasted constitution becomes a mockery and an object of ridicule, and we ought to desire the manly simplicity of unmixed despotism. Will the Attorney-General—will his colleague, the Solicitor-General, deny that I have described this offence in its true colors? Will they attempt to deny the interference of the Duke of Richmond in the late elections? I would almost venture to put your verdict upon this, and to consent to a conviction, if any person shall be found so stocked with audacity, as to presume publicly to deny the interference of his Grace in the late elections, and his partisanship in favor of the ministerial candidates. Gentlemen, if that be denied, what will you, what can you think of the veracity of the man who denies it? I fearlessly refer the fact to you; on that fact I build. This interference is as notorious as the sun at noonday; and who shall venture to deny that such interference is described by a soft term when it is called partisanship? He who uses the influence of the executive to control the choice of the representatives of the people, violates the first principles of the constitution, is guilty of political sacrilege, and profanes the very sanctuary of the people's rights and liberties; and if he should not be called a partisan, it is only because some harsher and more appropriate term ought to be applied to his delinquency.

I will recall to your minds an instance of violation of the constitution, which will illustrate the situation of my client, and the protection which, for your own sakes, you owe him. When, in 1687, King James removed several Protestant rectors in Ireland from their churches, against law and justice, and illegally and unconstitutionally placed Roman Catholic clergymen in their stead, would any of you be content that he should be simply called a partisan! No, gentlemen, my client

and I—Catholic and Protestant though we be—agree perfectly in this, that partisan would have been too mild a name for him, and that he should have been branded as a violator of law, as an enemy to the constitution, and as a crafty tyrant who sought to gratify the prejudices of one part of his subjects that he might trample upon the liberties of all. And what, I would fain learn, could you think of the Attorney-General who prosecuted, or of the judge who condemned, or of the jury who convicted a printer for publishing to the world this tyranny—this gross violation of law and justice? But how would your indignation be roused, if James had been only called a partisan, and for calling him a partisan a Popish jury had been packed, a Popish judge had been selected, and that the printer, who, you will admit, deserved applause and reward, met condemnation and punishment.

Of you—of you, shall this story be told, if you convict Mr. Magee. The Duke has interfered in elections; he has violated the liberties of the subject; he has profaned the very temple of the constitution; and he, who has said that in so doing, he was a partisan, from your hands expects punishment.

Compare the kindred offences; James deprived the Protestant rectors of their livings; he did not persecute, nor did he interfere with their religion; for tithes, and oblations, and glebes, and church lands, though solid appendages to any church, are no part of the Protestant religion. The Protestant religion would, I presume—and for the honor of human nature I sincerely hope—continue its influence over the human mind without the aid of those extrinsic advantages. Its pastors would, I trust and believe, have remained true to their charge, without the adventitious benefits of temporal rewards; and, like the Roman Catholic Church, it might have shone forth a glorious example of firmness in religion, setting persecution at defiance. James did not attack the Protestant religion; I repeat it; he only attacked the revenues of the Protestant church; he violated the law and the constitution, in depriving men of that property, by his individual authority, to which they had precisely the same right with that by which he wore his crown. But is not the controlling the election of members of parliament a more dangerous violation of the con-



stitution? Does it not corrupt the very sources of legislation, and convert the guardians of the state into its plunderers? The one was a direct and undisguised crime, capable of being redressed in the ordinary course of the law, and producing resistance by its open and plain violation of right and of law; the other disguises itself in so many shapes, is patronized by so many high examples, and is followed by such perfect security, that it becomes the first duty of every man who possesses any reverence for the constitution, or any attachment to liberty, to lend all his efforts to detect, and, if possible, to punish it.

To any man who loved the constitution or freedom, I could safely appeal for my client's vindication; or if any displeasure could be excited in the mind of such a man, it would arise because of the forbearance and lenity of this publication. But the Duke is called a frightful partisan. Granted, gentlemen, granted. And is not the interference I have mentioned frightful? Is it not terrific? Who can contemplate it without shuddering at the consequences which it is likely to produce? What gentler phrase—what lady-like expression should my client use? The constitution is sought to be violated, and he calls the author of that violation a frightful partisan. Really, gentlemen, the fastidiousness which would reject this expression would be better employed in preventing or punishing crime, than in dragging to a dungeon the man who has the manliness to adhere to truth, and to use it. Recollect also—I cannot repeat it too often—that the Attorney-General told you, that “the liberty of the press was the best protection of the people against the government.” Now, if the constitution be violated—if the purity of election be disturbed by the executive, is not this precisely the case when this protection becomes necessary? It is not wanted, nor can the press be called a protector, so long as the government is administered with fidelity, care, and skill. The protection of the press is requisite only when integrity, diligence, or judgment do not belong to the administration; and that protection becomes the more necessary in the exact proportion in which these qualities are deficient. But, what protection can it afford if you convict in this instance? For, by doing so, you will decide that nothing

ought to be said against that want of honesty, or of attention, or of understanding; the more necessary will the protection of the press become, the more unsafe will it be to publish the truth; and in the exact proportion in which the press might be useful, will it become liable to punishment. In short, according to the Attorney-General's doctrine, when the press is "best employed and wanted most," it will be most dangerous to use it. And thus, the more corrupt and profligate any administration may be, the more clearly can the public prosecutor ascertain the sacrifice of his selected victim. And call you this protection? Is this a protector who must be disarmed the moment danger threatens, and is bound a prisoner the instant the fight has commenced?

Here I should close the case—here I should shortly recapitulate my client's defence, and leave him to your consideration; but I have been already too tedious, and shall do no more than recall to your recollection the purity, the integrity, the entire disinterestedness of Mr. Magee's motives. If money were his object, he could easily procure himself to be patronized and salaried; but he prefers to be persecuted and discountenanced by the great and powerful, because they cannot deprive him of the certain expectation, that his exertions are useful to his long-suffering, ill-requited country.

He is disinterested, gentlemen; he is honest; the Attorney-General admitted it, and actually took the trouble of administering to him advice how to amend his fortune, and save his person. But the advice only made his youthful blood mantle in that ingenuous countenance, and his reply was painted in the indignant look, that told the Attorney-General he might offer wealth, but he could not bribe—that he might torture, but he could not terrify! Yes, gentlemen, firm in his honesty, and strong in the fervor of his love of Ireland, he fearlessly awaits your verdict, convinced that even you must respect the man whom you are called upon to condemn. Look to it, gentlemen; consider whether an honest, disinterested man shall be prohibited from discussing public affairs; consider whether all but flattery is to be silent—whether the discussion of the errors and the capacities of the ministers is to be closed forever. Whether we are to be silent as to the crimes of former

periods—the follies of the present, and the credulity of the future; and, above all, reflect upon the demand that is made on you to punish the canvassing of abstract principles.

Has the Attorney-General succeeded? Has he procured a jury so fitted to his object, as to be ready to bury in oblivion every fault and every crime, every error and every imperfection of public men, past, present, and future—and who shall, in addition, silence any dissertation on the theory or principle of legislation? Do, gentlemen, go this length with the prosecutor, and then venture on your oaths. I charge you to venture to talk to your families of the venerable liberty of the press—the protection of the people against the vices of the government.

I should conclude, but the Attorney-General compels me to follow him through another subject; he has told you, and told you truly, that besides the matter set out in the indictment—the entire of which, gentlemen, we have already gone through—this publication contains severe strictures upon the alleged delicacy in the Chief Justice issuing a ministerial warrant, in a case which was afterwards to come before him judicially, and upon the manner in which the jury was attempted to be put together in Doctor Sheridan's case, and in which a jury was better arranged in the case of Mr. Kirwan. Indeed, the Attorney-General seemed much delighted with these topics; he again burst out into an enraptured encomium upon himself; and, as it were inspired by his subject, he rose to the dignity of a classical quotation, when he exclaimed: "Me, me, adsum, qui feci." He forgot to add the still more appropriate remainder of the sentence, "mea fraus omnis!"

"Yes, gentlemen, he has avowed with more manliness than discretion, that he was the contriver of all those measures. With respect to the warrant which his lordship issued in the stead of the ordinary justices of the peace, and upon a charge not amounting to any breach of the peace, I shall say nothing at present. An obvious delicacy restrains me from entering upon that subject; and as the interest of my client does not counteract that delicacy, I shall refrain. But I would not have it understood that I have formed no opinion on the subject. Yes, I have formed an opinion, and a strong and decided

opinion, which I am ready to support as a lawyer and a man, but the expression of which I now sacrifice to a plain delicacy. But I must say, that the Attorney-General has thrown new light on this business; he has given us information we did not possess before. I did not before know that the warrant was sought for and procured by the Attorney-General; I thought it was the spontaneous act of his lordship, and not in consequence of any private solicitation from the Attorney-General. In this respect, he has set me right—it is a fact of considerable value, and although the consequences to be deduced from it are not pleasing to any man, loving, as I do, the purity of justice, yet, I most heartily thank the Attorney-General for the fact—the important fact.

His second avowal relates to Dr. Sheridan. It really is comfortable to know how much of the indecent scene exhibited upon his trial belonged to the Attorney-General. He candidly tells us, that the obtrusion of the police magistrate, Sirr, as an assistant to the Crown-Solicitor, was the act of the king's Attorney-General. "Adsum qui feci," said he. Thus he avows that he procured an Orangeman—I do not exactly understand what is meant by an Orangeman—some of you could easily tell me—that he caused this Orangeman to stand in open court, next to the Solicitor for the Crown, with his written paper, suggesting who were fit jurors for his purpose, and who should be put by. Gentlemen, he avows that this profligate scene was acted in the open court, by his directions. It was by the Attorney-General's special directions, then, that such men as John Lindsay, of Sackville street, and John Roche, of Strand street, were set aside; the latter, because, though amongst the most wealthy and respectable merchants in your city, he is a Papist; and the other, because, although a Protestant, he is tainted with liberality—the only offence, public or private, that could be attributed to him. Yes, such men as these were set aside by the Attorney-General's aid-de-camp, the salaried justice of the police office.

The next avowal is also precious. This publication contains also a commentary on the Castle-list jury that convicted Mr. Kirwan, and the Attorney-General has also avowed his share in that transaction; he thus supplies the only link we wanted

in our chain of evidence, when we challenged the array upon that trial. If we could have proved that which the Attorney-General with his "adsum qui feci," yesterday admitted, we should have succeeded and got rid of that panel. Even now, it is delightful to understand the entire machinery, and one now sees at once the reason why Sir Charles Saxton was not examined on the part of the crown, in reply to the case we made. He would, you now plainly see, have traced the arrangement to the Attorney-General, and the array must have been quashed. Thus in the boasting humor of this Attorney-General, he has brought home to himself personally, that which we attributed to him only in his official capacity, and he has convicted the man of that which we charged only upon the office.

He has, he must have a motive for this avowal; if he had not an adequate object in view, he would not have thus unnecessarily and wantonly taken upon himself all the reproach of those transactions. He would not have boasted of having, out of court, solicited an extra-judicial opinion, in the form of a warrant from his lordship; he would not have gloried in employing an Orangeman from the police office to assist him in open court, with instructions in writing how to pack his jury; still less would he have suffered it to be believed that he was a party at the Castle, with the Acting Secretary of State, to the arrangement of the jury that was afterwards to try a person prosecuted by the state.

He would not have made this, I must say, disgraceful avowal, unless he were influenced by an adequate motive. I can easily tell you what that motive was. He knew your prejudices—he knew your antipathy—alas! your interested antipathy—to the Catholics, and, therefore, in order to induce you to convict a Protestant of a libel for a publication, innocent, if not useful in itself, in order to procure that conviction from your party feelings and your prejudices, which he despaired of obtaining from your judgments, he vaunts himself to you as the mighty destroyer of the hopes of Popish petitioners—as a man capable of every act within, as without the profession, to prevent or impede any relief to the Papists. In short, he wishes to show himself to you as an active partisan at your side; and upon

those merits he who knows you best, claims your verdict—a verdict which must be given in on your oaths, and attested by and in the name of the God of all Christians.

For my part I frankly avow that I shudder at these scenes ; I cannot, without horror, view this interfering and intermeddling with judges and juries, and my abhorrence must be augmented, when I find it avowed, that the actors in all these sad exhibitions were the mere puppets of the Attorney-General, moved by his wires, and performing under his control. It is in vain to look for safety to person or property, whilst this system is allowed to pervade our courts ; the very fountain of justice may be corrupted at its source, and those waters which should confer health and vigor throughout the land, can then diffuse nought but mephitic and pestilential vapors to disgust and to destroy. If honesty, if justice be silent, yet prudence ought to check these practices. We live in a new era—a melancholy era, in which perfidy and profligacy are sanctioned by high authority ; the base violation of plighted faith, the deep stain of dishonor, infidelity in love, treachery in friendship, the abandonment of every principle, and the adoption of every frivolity and of every vice that can excite hatred combined with ridicule—all—all this, and more, may be seen around us ; and yet it is believed, it is expected, that this system is fated to be eternal. Gentlemen, we shall all weep the insane delusion ; and in the terrific moments of altercation you know not, you cannot know, how soon or how bitterly the ingredients of your own poisoned chalice may be commended to your own lips.

With these views around us—with these horrible prospects lying obscurely before us—in sadness and in sorrow, party feelings may find a solitary consolation. My heart feels a species of relief when I recollect that not one single Roman Catholic has been found suited to the Attorney-General's purpose. With what an affectation of liberality would he have placed, at least, one Roman Catholic on his juries, if he could have found one Roman Catholic gentleman in this city capable of being managed into fitness for those juries. You well know that the very first merchants of this city, in wealth as well as in character, are Catholics. Some of you serve oc-

asionally on special juries in important cases of private property. Have you ever seen one of those special juries without many Catholics?—frequently a majority—seldom less than one-half of Catholics. Why are Catholics excluded from these state juries? Who shall venture to avow the reason? Oh, for the partisan indiscretion that would blindly avow the reason! It is, in truth, a high compliment, which persecution, in spite of itself, pays to independent integrity.

It is, in fact, a compliment. It is intended for a reproach, for a libel. It is meant to insinuate that such a man, for example, as Randall M'Donnell—the pride and boast of commerce—one of the first contributors to the revenues of the state, and the first in all the sweet charities of social life—would refuse to do justice, upon his oath, to the crown, and perjure himself in a state trial, because he is a Roman Catholic. You, even you, would be shocked, if any man were so audacious as to assert, in words, so foul a libel, so false a calumny; and yet what does the conduct of the Attorney-General amount to? Why, practically, to just such a libel, to precisely such a calumny. He acts a part which he would not venture to speak, and endeavors silently to inflict a censure which no man could be found so devoid of shame as to assert in words. And here, gentlemen, is a libel for which there is no punishment; here is a profligate calumny for which the law furnishes no redress; he can continue to calumniate us by his rejection. See whether he does not offer you a greater insult by his selection; lay your hands to your hearts, and in private communion with yourselves, ask the reason why you have been sought for and selected for this jury—will you discover that you have been selected because of admitted impartiality?

Would to God you could make that discovery! It would be one on which my client might build the certain expectation of a triumphal acquittal.

Let me transport you from the heat and fury of domestic politics; let me place you in a foreign land; you are Protestants; with your good leave, you shall for a moment be Portuguese, and Portuguese is now an honorable name, for right well have the people of Portugal fought for their country, against the

foreign invader. Oh, how easy to procure a similar spirit, and more of bravery, amongst the people of Ireland! The slight purchase of good words, and a kindly disposition, would convert them into an impenetrable guard for the safety of the Throne and the State. But advice and regret are equally unavailing, and they are doomed to calumny and oppression, the reality of persecution, and the mockery of justice, until some fatal hour shall arrive, which may preach wisdom to the dupes, and menace with punishment the oppressor.

In the meantime I must place you in Portugal. Let us suppose for an instant that the Protestant religion is that of the people of Portugal—the Catholic that of the government—that the house of Braganza has not reigned, but that Portugal is still governed by the viceroy of a foreign nation, from whom no kindness, no favor has ever flowed, and from whom justice has rarely been obtained, and upon those unfrequent occasions, not conceded generously, but extorted by force, or wrung from distress by terror and apprehension, in a stinted measure and ungracious manner; you, Protestants, shall form, not, as with us in Ireland, nine tenths, but some lesser number—you shall be only four fifths of the population; and all the persecution which you have yourselves practiced here upon Papists, whilst you, at the same time, accused the Papists of the crime of being persecutors, shall glow around; your native land shall be to you the country of strangers; you shall be aliens in the soil that gave you birth, and whilst every foreigner may, in the land of your forefathers, attain rank, station, emolument, honors, you alone shall be excluded; and you shall be excluded for no other reason but a conscientious abhorrence to the religion of your ancestors.

Only think, gentlemen, of the scandalous injustice of punishing you because you are Protestants! With what scorn, with what contempt do you not listen to the stale pretences—to the miserable excuses by which, under the name of state reasons and political arguments, your exclusion and degradation are sought to be justified. Your reply is ready: “Perform your iniquity—men of crimes (you exclaim) be unjust—punish us for our fidelity and honest adherence to truth, but insult us not by supposing that your reasoning can impose



upon a single individual either of us or of yourselves." In this situation let me give you a viceroy; he shall be a man who may be styled—by some persons disposed to exaggerate, beyond bounds, his merits, and to flatter him more than enough—"an honorable man and a respectable soldier," but in point of fact, he shall be of that little-minded class of beings who are suited to be the plaything of knaves—one of those men who imagine they govern a nation, whilst in reality they are but the instruments upon which the crafty play with safety and with profit. Take such a man for your viceroy—Protestant Portuguese. We shall begin with making this tour from Tralos Montes to the kingdom of Algesiras—as one amongst us should say, from the Giant's Causeway to the kingdom of Kerry. Upon his tour he shall affect great candor and good will to the poor suffering Protestants. The bloody anniversaries of the inquisitorial triumphs of former days shall be for a season abandoned, and over our inherent hostility the garb of hypocrisy shall for a season be thrown. Enmity to the Protestants shall become, for a moment, less apparent; but it will be only the more odious for the transitory disguise.

The delusion of the hour having served its purpose, your viceroy shows himself in his native colors; he selects for office, and prefers for his pension-list, the men miserable in intellect, if they be but virulent against the Protestants; to rail against the Protestant religion—to turn its holiest rites into ridicule—to slander the individual Protestants, are the surest, the only means to obtain his favor and patronage. He selects from his Popish bigots some being more canine than human, who, not having talents to sell, brings to the market of bigotry his impudence—who, with no quality under heaven but gross, vulgar, acrimonious, disgustful and shameless abuse of Protestantism to recommend him, shall be promoted to some accountant-generalship, and shall riot in the spoils of the people he traduces, as it were to crown with insult the severest injuries. This viceroy selects for his favorite privy councillor some learned doctor, half lawyer, half divine, an entire brute, distinguished by the unblushing repetition of calumnies against the Protestants. This man has asserted that Protestants are perjurers and murderers in principle—

that they keep no faith with Papists, but hold it lawful and meritorious to violate every engagement, and commit every atrocity towards any person who happens to differ with Protestants in religious belief. This man raves thus, in public, against the Protestants, and has turned his ravings into large personal emoluments. But whilst he is the oracle of minor bigots, he does not believe himself; he has selected for the partner of his tenderest joys, of his most ecstatic moments—he has chosen for the intended mother of his children, for the sweetener and solace of his every care, a Protestant, gentlemen of the jury.

Next to the vile instruments of bigotry, his accountant-general and privy councillor, we will place his acts. The Protestants of Portugal shall be exposed to insult and slaughter; an Orange party—a party of Popish Orangemen, shall be supposed to exist; they shall have liberty to slaughter the unarmed and defenceless Protestants, as they sit peaceably at their firesides. They shall be let loose in some Portuguese district called Monaghan; they shall cover the streets of some Portuguese town of Belfast with human gore; and in the metropolis of Lisbon, the Protestant widow shall have her harmless child murdered in the noonday, and his blood shall have flowed unrequited, because his assassin was very loyal when he was drunk, and had an irresistible propensity to signalize his loyalty by killing Protestants. Behold, gentlemen, this viceroy depriving of command, and staying the promotion of, every military man who shall dare to think Protestants men, or who shall presume to suggest that they ought not to be prosecuted. Behold this viceroy promoting and rewarding the men who insulted and attempted to degrade the first of your Protestant nobility. Behold him in public, the man I have described.

In his personal concerns he receives an enormous revenue from the people he thus misgoverns. See in his management of that revenue a parsimony at which even his enemies blush. See the paltry sum of a single joe refused to any Protestant charity, whilst his bounty is unknown even at the Popish institutions for benevolent purposes. See the most wasteful expenditure of the public money—every job patronized—

every profligacy encouraged. See the resources of Portugal diminished. See her discords and her internal feuds increased. And, lastly, behold the course of justice perverted and corrupted.

It is thus, gentlemen, the Protestant Portuguese seek to obtain relief by humble petition and supplication. There can be no crime surely for a Protestant oppressed, because he follows a religion which is, in his opinion, true, to endeavor to obtain relief by mildly representing to his Popish oppressors, that it is the right of every man to worship the Deity according to the dictates of his own conscience; to state respectfully to the governing powers that it is unjust, and may be highly impolitic to punish men, merely because they do not profess Popery, which they do not believe; and to submit, with all humility, that to lay the burdens of the state equally, and distribute its benefits partially, is not justice, but, although sanctioned by the pretence of religious zeal, is, in truth, iniquity, and palpably criminal. Well, gentlemen, for daring thus to remonstrate, the Protestants are persecuted. The first step in the persecution is to pervert the plain meaning of the Portuguese language, and a law prohibiting any disguise in apparel, shall be applied to the ordinary dress of the individual; it reminds one of pretence and purpose.

To carry on these persecutions, the viceroy chooses for his first inquisitor the descendant of some Popish refugee—some man with an hereditary hatred to Protestants; he is not the son of an Irishman, this refugee inquisitor—no, for the fact is notorious, that the Irish refugee Papists were ever distinguished for their liberality, as well as for their gallantry in the field and talent in the cabinet. This inquisitor shall be, gentlemen, a descendant from one of those English Papists, who was the dupe or contriver of the Gunpowder Plot! With such a chief inquisitor, can you conceive anything more calculated to rouse you to agony than the solemn mockery of your trial? This chief inquisitor begins by influencing the judges out of court; he proceeds to inquire out fit men for his interior tribunal, which, for brevity, we will call a jury. He selects his juries from the most violent of the Popish Orangemen of the city, and procures a conviction against law

and common sense, and without evidence. Have you followed me, gentlemen? Do you enter into the feelings of Protestants thus insulted, thus oppressed, thus persecuted—their enemies and traducers promoted, and encouraged, and richly rewarded—their friends discountenanced and displaced—their persons unprotected, and their characters assailed by hired calumniators—their blood shed with impunity—their revenues parsimoniously spared to accumulate for the individual, wastefully squandered for the state—the emblems of discord, the war-cry of disunion, sanctioned by the highest authority, and Justice herself converted from an impartial arbitrator into a frightful partisan?

Yes, gentlemen, place yourselves as Protestants under such a persecution. Behold before you this chief inquisitor, with his prejudiced tribunal—this gambler, with a loaded die; and now say what are your feelings—what are your sensations of disgust, abhorrence, affright? But if at such a moment some ardent and enthusiastic Papist, regardless of his interests, and roused by the crimes that were thus committed against you, should describe, in measured, and cautious, and cold language, scenes of oppression and iniquity—if he were to describe them, not as I have done, but in feeble and mild language, and simply state the facts for your benefit and the instruction of the public—if this liberal Papist, for this, were dragged to the Inquisition, as for a crime, and menaced with a dungeon for years, good and gracious God! how would you revolt and abominate the men who could consign him to that dungeon! With what an eye of contempt, and hatred, and despair, would you not look at the packed and profligate tribunal, which could direct punishment against him who deserved rewards! What pity would you not feel for the advocate who, heavily and without hope, labored in his defence! and with what agonized and frenzied despair would you not look to the future destinies of a land in which perjury was organized and from which humanity and justice had been for ever banished!

With this picture of yourselves in Portugal, come home to us in Ireland, say is that a crime, when applied to Protestants, which is a virtue and a merit when applied to Papists? Be-

hold how we suffer here; and then reflect, that it is principally by reason of your prejudices against us that the Attorney-General hopes for your verdict. The good man has talked of his impartiality; he will suppress, he says, the licentiousness of the press. I have, I hope, shown you the right of my client to discuss the public subjects which he has discussed in the manner they are treated of in the publication before you, yet he is prosecuted. Let me read for you a paragraph which the Attorney-General has not prosecuted—which he has refused to prosecute:

BALLYBAY, JULY 4, 1813.

“A meeting of the Orange Lodges was agreed on, in consequence of the manner in which the Catholics wished to have persecuted the loyalists in this county last year, when they even murdered some of them for no other reason than their being yeomen and Protestants.”

And, again—

“It was at Ballybay that the Catholics murdered one Hughes, a yeoman sergeant, for being a Protestant, as was given in evidence at the assizes by a Catholic witness.”

I have read this passage from the Hibernian Journal of the 7th of this month. I know not whether you can hear, unmoved, a paragraph which makes my blood boil to read; but I shall only tell you, that the Attorney-General refused to prosecute this libeller. Gentlemen, there have been several murders committed in the County of Monaghan, in which Ballybay lies. The persons killed happened to be Roman Catholics; their murderers are Orangemen. Several of the persons accused of these murders are to be tried at the ensuing assizes. The agent applied to me personally, with this newspaper; he stated that the obvious intention was to create a prejudice upon the approaching trials favorable to the murderers, and against the prosecutors. He stated what you—even you—will easily believe, that there never was a falsehood more flagitiously destitute of truth than the entire paragraph. I advised him, gentlemen, to wait on the Attorney-General in the most respectful manner possible; to show him this paragraph, then to request to be allowed to satisfy him as to the utter falsehood of the assertions which this paragraph contained, which could be more easily done, as the judges who went that circuit

could prove part of it to be false ; and I directed him to entreat that the Attorney-General, when fully satisfied of the falsehood, would prosecute the publisher of this, which, I think, I may call an atrocious libel.

Gentlemen, the Attorney-General was accordingly waited on ; he was respectfully requested to prosecute upon the terms of having the falsehood of these assertions first proved to him. I need not tell you he refused. These are not the libellers he prosecutes. Gentlemen, this not being a libel on any individual, no private individual can prosecute for it ; and the Attorney-General turns his press loose on the Catholics of the county of Monaghan, whilst he virulently assails Mr. Magee for what must be admitted to be comparatively mild and inoffensive.

No, gentlemen, he does not prosecute this libel. On the contrary, this paper is paid enormous sums of the public money. There are no less than five proclamations in the paper containing this libel ; and it was proved in my presence, in a court of justice, that, besides the proclamations and public advertisements, the two proprietors of the paper had each a pension of £400 per annum, for supporting government, as it was called. Since that period one of those proprietors has got an office worth, at least, £800 a year ; and the son of the other, a place of upwards of £400 per annum : so that, as it is likely that the original pensions continue, here may be an annual income of £2,000 paid for this paper, besides the thousands of pounds annually, which the insertion of the proclamations and public advertisements cost. It is a paper of the very lowest and most paltry scale of talent, and its circulation is, fortunately, very limited ; but it receives several thousands of pounds of the money of the men whom it foully and falsely calumniates.

Would I could see the man who pays this proclamation money and these pensions at the Castle. [Here Mr. O'Connell turned round to where Mr. Peele, Chief Secretary to the Lord Lieutenant, sat.] Would I could see the man who, against the fact, asserted that the proclamations were inserted in all the papers, save in those whose proprietors were convicted of a libel. I would ask him whether this be a paper

that ought to receive the money of the Irish people?—whether this be the legitimate use of the public purse? And when you find this calumniator salaried and rewarded, where is the impartiality, the justice, or even the decency of prosecuting Mr. Magee for a libel, merely because he has not praised public men, and has discussed public affairs in the spirit of freedom and of the constitution? Contrast the situation of Mr. Magee with the proprietor of the *Hibernian Journal*; the one is prosecuted with all the weight and influence of the crown, the other pensioned by the ministers of the crown; the one dragged to your bar for the sober discussion of political topics, the other hired to disseminate the most horrid calumnies! Let the Attorney-General now boast of his impartiality; can you credit him on your oaths? Let him talk of his veneration for the liberty of the press; can you believe him in your consciences? Let him call the press the protection of the people against the government. Yes, gentlemen, believe him when he says so. Let the press be the protection of the people; he admits that it ought to be so. Will you find a verdict for him, that shall contradict the only assertion upon which he and I, however, are both agreed?

Gentlemen, the Attorney-General is bound by this admission; it is part of his case, and he is the prosecutor here; it is a part of the evidence before you, for he is the prosecutor. Then, gentlemen, it is your duty to act upon that evidence, and to allow the press to afford some protection to the people.

Is there amongst you any one friend to freedom? Is there amongst you one man, who esteems equal and impartial justice, who values the people's rights as the foundation of private happiness, and who considers life as no boon without liberty? Is there amongst you one friend to the constitution—one man who hates oppression? If there be, Mr. Magee appeals to his kindred mind, and confidently expects an acquittal.

There are amongst you men of great religious zeal—of much public piety. Are you sincere? Do you believe what you profess? With all this zeal—with all this piety, is there any conscience amongst you? Is there any terror of violating your

oaths? Be ye hypocrites, or does genuine religion inspire you? If you be sincere—if you have conscience—if your oaths can control your interests, then Mr. Magee confidently expects an acquittal.

If amongst you there be cherished one ray of pure religion—if amongst you there glow a single spark of liberty—if I have alarmed religion, or roused the spirit of freedom in one breast amongst you, Mr. Magee is safe, and his country is served; but if there be none—if you be slaves and hypocrites, he will await your verdict, and despise it.



SPEECH IN THE BRITISH CATHOLIC ASSOCIATION, ON THE DEFEAT OF THE EMANCIPATION BILL, MAY 26, 1825.

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THE measure of which we complained is of too recent a date, the injury which we have sustained is yet too fresh, too galling in its effects, to allow my reason to assume the ascendant over my feelings, and to give my judgment time to operate on, and influence the tenor of my reflections. I shall nevertheless be as respectful in my allusions, and as moderate in the remarks I have to offer, as the overboiling fervency of my Irish blood will permit. By rejecting that bill which the Commons had sent up to them for their concurrence and approval, the House of Lords has inflicted a vital injury on the stability of English power, and on Irish feelings and Irish honesty. They, however, would not be cast down by that injury. The Catholics were sometimes in derision termed “Roman.” I am a Catholic, and proud am I to say that in one thing at least I am a Roman—I never will despair. But on what is this boastful assertion founded? Why should I say that which I feel has not reason or sound policy to support it? Where now, I would ask, is there a rational hope for a Catholic? Where shall I look for consolation under the present great and serious disappointment? Am I to look back? Alas! there is nothing cheering in the events which have for



some time past met us on the way to success and dashed our hopes to the earth. Does history furnish any grounds for the supposition that those who have been found incapable of maintaining their plighted faith, and preserving the terms of a great national contract, will now, in the hour of success, be induced to yield any reason, any inducement to us to proceed in the course we have adopted? Is this, I would ask, the example the Irish Catholics gave, when they had on two occasions come into power? Did they, in the reign of Mary, seek by retaliation to avenge the blood of their slaughtered ancestors? No! thank God, they did not! and that at least was one triumphant consideration. Not one drop of Protestant blood had been shed—not one particle of Protestant property had been then sacrificed. In the reign of James II. the Catholics again came into power, and their conduct was marked by the same spirit of forbearance. I have heard it justly stated in the House of Commons—no, I must not say that, but I saw it in the newspapers, in the powerful speech of Mr. Twiss, which was distinguished alike for vigor of thought, strength of reasoning, and historical accuracy, that in the reign of James there were but fourteen Protestants in the House of Commons, and eight or ten in the House of Lords; the rest were Catholics. Were Protestants excluded from it by law? No, the people returned both Protestants and Catholics; and no one then stood up to say that a man should not be permitted to sit in parliament unless he heard Mass and attended auricular confession. No, no, it was left to their enemies to say that Catholics should not be admitted there, for the sacrifice of the Mass was impious and idolatrous.

[Mr. O'Connell then attended to a statement made by Mr. Dawson, who thought fit to attribute persecution to the Irish Catholics in the reign of the second James, on the authority of Archbishop King, who was refuted by Rev. Dr. Leslie, and yet, in 1825, is quoted in parliament to convict the Catholics of Ireland. He next entered into a brief history and defence of the Irish Catholic Association, and reprobated the penal act which extinguished that body.]

I call on the Catholics of England to co-operate with those of Ireland for the repeal of this act, for it is a step to return

to the old penal law ; and how can I tell the people of Ireland they ought to be tranquil, and not ferment in their hearts that black stuff which makes political discontent mischievous—that fire suppressed, that explodes only the more dangerously on account of the compression that has withheld it? How can I tell the people of Ireland to hope, when they see this unprincipled, disastrous measure has been adopted? I confess I do find ground for hope in the things called arguments which are employed against us, if I had not seen any in the records of ancient history, in the violation of treaties, and the recent case of the suppression of the Catholic Association. I begin with the first in dignity, the keeper of the King's English conscience ; for the King, my lord, has three consciences—he has an English conscience, and the keeper of it is a liberal, and turns to the liberal side of it ; he has an Irish conscience, and I hope the keeper of it will very soon be a liberal person, and he will turn to the liberal side of it ; and his Majesty, my lord, has a Hanoverian conscience ; that conscience is in his own keeping ; it has no contradicting colors or differing sides—it is all liberality and justice. Who cannot see that the guilt of refusing that to us which the King personally gives to his Hanoverian subjects, lies in the miserable machinery of a boroughmongering administration, which prevents the King from doing justice to all?

There were two other objections against us. I thank the quarter from which they come : I thank him sincerely for the first of them, for I must unaffectedly admit its truth and justice, and I will abide the event of it fairly. It was this—if you emancipate the Catholics, said the Lord Chancellor, you must equally give liberty of conscience to all classes of Dissenters. I thank you heartily, my Lord Eldon ; that is exactly what we say ; our petition is that ;—we do not come before parliament, making a comparison of theological doctrines : we revere our own ; we are not indifferent to them ; we know their awful importance, but we say liberty of conscience is a sacred right. [A voice from the crowd : “ You have it.”] I thank the gentleman whose voice I hear. You, my Lord Duke, possess liberty of conscience. Are you not the premier peer of England—could any one deprive you of that

right? Could the King upon his throne, or the Chancellor on his bench, make any decree against it, if your conscience permitted? There is such a liberty of conscience as that alluded to in Spain, where every man is at liberty to be of the religion of the ruling power; but now that Ferdinand is returned, no man is allowed to dissent from that religion; and let me not be brought to prefer the Cortes to him. They trod upon the Church, and threw away the people, and deserved to lose their power. The Dissenters have it not, for neither Smith, of Norwich, nor Wilks, the Secretary of that excellent Association for Liberty of Conscience (who published in their own, my creed on that subject), they could not fill an office in any corporation, for the moment they were proposed, the opposite candidate would tell them, "You have not taken the sacramental test," and the election would be void, and the candidate who had fewest votes would be returned. This was good and fair reason to hope that the principle is calculated, in spite of miserable bigotry and individual acrimony, to make its way all over England. The liberal portion of the Dissenters are with us. I find, therefore, reason to hope. Liberty of conscience is our principle, and even in despair I would retain it; for I am confident that force may make hypocrites, but not true believers—it may compel outward profession, but it is not in man's power to change the heart; and because I know that force is always resorted to by him that thinks he has the worst of the argument. But, for my part, being conscientiously convinced of the superiority of the Catholic religion over every other—and putting it to this awful test of sincerity, that I know an eternity depends upon it—with that awful conviction, all I ask of my Protestant brethren, who believe their own religion to be the best, is, that they would give the same practical proof of their conviction of its superiority. Let them give their religion what I ask for mine—a clear stage and no favor, and let the advantage be decided by conscientious men and the will of the eternal God.

Another argument of the Lord Chancellor was—it seemed, indeed, rather a word than an argument—that this was a Protestant constitution, and the words "Protestant constitution" came out very frequently. This was rather an assertion than an

argument, and it has this defect as an assertion, that it happens, my lord, not to be true. There are four descendants amongst the Catholic nobility of the day of the barons who extorted Magna Charta from a tyrant. It was Catholics who instituted the hereditary succession in the House of Lords as a separate House: it was Catholics who instituted the representation of the people in the House of Commons: it was Catholics who instituted trial by jury, standing as a shield between the people and power, making the administration of the law a domestic concern, and preventing any man giving a false and flagitious verdict to-day in favor of despotism, lest he himself should be the victim the next. Are not these ingredients in the constitution? I would not forget the treason law of Edward III., which is the perfection of wisdom in that respect, for many and many a victim would have been sent to premature death and destruction but for the advantage of that Catholic statute of Edward III.; and whenever despotism has ruled over this country, the first step that has been taken, from time to time, and it was one which immediately followed the Reformation, was to repeal that Catholic statute, and deprive the people of its benefits. We have it now; but though we have it now through its being restored by a Protestant parliament, it was drawn up by Catholic hands, it was passed by Catholic votes, it was signed by a Catholic King, and will Lord Eldon tell me that the treason law, the trial by jury, the House of Lords, and the office of Chancellor, too, are no portions of this Protestant constitution? If that office did not exist, I suspect that the Protestantism of the Chancellor would not be so extremely vivid as it is at present. The seals he bears, the mace which is carried before him, were borne by, and carried before many and many a Catholic bishop; and the first layman who held them was the martyred Sir Thomas More, who, as it was well said in parliament, left the office with ten pounds in his pocket; a Catholic example to the present Protestant Chancellor.

Protestant constitution! What is it, if money be not one of the valuable concerns of the constitution? Will the Chancellor say it is not? ~If the constitution be Protestant, let the Protestants pay the tithes and the taxes; let them pay the

church rates and the Grand Jury cess for us in Ireland. If it be a Protestant constitution let it be so entirely : let us not have to fight their battles or pay their taxes. This is the admirable and inimitable equity of the Lord Chancellor. Here is the keeper of a conscience for you ! Here is a distributor of equity. It shall be Protestant to the extent of everything that is valuable and useful : to the extent of everything that is rewarding and dignified ; for every place of emolument and authority, and everything that elevates a man, and is the recompense of legitimate ambition. To this extent it shall be Protestant ; but for the burdens of the state—for the shedding of human blood in defence of the throne—for all that bears on a man, even to the starvation of his family by the weight of taxation which so few are able to pay in this country, and by which so many have been reduced to poverty in Ireland—(for have I not seen the miserable blanket, and the single potato pot, sold by the tax-gatherer in my native country?) Oh, shall I, I say, be told that for all that is useful the constitution shall be Protestant, and that it shall cease to be so the moment there is anything of oppression, money-making, grinding, or taxation? Is it just to take the entire value and give no valuable consideration in return? Is it just to accept labor and pay no wages? Is this equity in the High Court of Chancery? From your tribunal I appeal to the living God, who shall judge us all, and in his presence I proclaim the foul iniquity, the barefaced injustice of loading us with all the burdens of the state, and keeping us from its advantages.

After the Chancellor I would refer to the speech of a right Reverend Bishop, which was said to have been sonorous, musical and well delivered—highly pleasing to his party. It reminded him of a story told by Addison, who heard a lady in a carriage utter a loud scream, and supposing her suffering under some violence or injury, inquired what was the matter, and was told nothing ; but the lady had been told she had a fine voice, and had been showing it by screaming. She only wished to make an exhibition. The bishop, too, was only screaming, and had formerly screamed the other way. The first part of his speech, as I read it in the newspaper, was a

good essay on disinterestedness ! We were called, interested, selfish ; but would the Right Reverend Bishop explain how it was that he had formerly been favorably disposed towards the Catholics, till he became tutor to the Earl of Liverpool's nephew, and that then all at once a change was effected in his mind. He is young—there are a great many other bishops, and he was certainly fortunate in his chance, for he adopted, if not a better, yet more enriching faith. It might be by a miracle—for a Protestant bishop might work miracles as well as Prince Hohenlohe—it might be by a miracle, that the new light broke in on the bishop just at the right time ; that he was kept in darkness to a certain hour, and then was suddenly made to see the danger, and to turn from a friend to an enemy. I have no objection to fair enmity, but the Bishop of Chester's enmity was not fair. In his speech he had quoted a part of a speech of Doctor Dromgoole ; I believe, too, from what I recollect, that the bishop quoted an exaggerated version, and he stated that this speech had been approved of by the Catholic Association, and by all the Catholic priests, and at Rome. I heard this with great astonishment, for, in fact, Doctor Dromgoole's speech was the only one I ever recollected which had been condemned at a public meeting.

It had been pronounced late in the evening. I was not present, or the sun would not have gone down on it unreproved—and on the next day an extraordinary meeting of the Catholic Board was summoned, and the speech condemned. He called the Protestant faith a novelty, and it was stated to him that whatever opinions he chose to discuss among theologians, he must not insult the Protestants. Where the Bishop of Chester learned that this speech had been approved of at Rome, I do not know, but I suppose it might be by the same vivacity of fancy, and the same energy of imagination from which he learned that the speech had been approved of in Ireland. I arraign him of inventing it. If the Catholic bishops who were examined before the lords,—if Doctor Murray, the sanctity of whose life was displayed in the suavity of his manners, and who was the mildest of all Christians—if Doctor Doyle, whose understanding was as vigorous as his manners were simple, who possessed an exhaustless store of know-

ledge, and whose gigantic intellect could readily convey them to the mind of every other man—if these prelates in their examination had invented anything like this against the Protestants, though he revered them as the representatives of those Christian bishops who had first established the Catholic Faith in Ireland; if the Lord Bishop of Chester could point out to him anything in their evidence similar to the invention he had alluded to, I will at once brand them as calumniators. I will not say anything of this kind to the Bishop of Chester, because I do not belong to the same church with him; but if he will point out to me anything so false in their evidence, I will tell the Irish bishops they are liars and calumniators, and that they have broken the commandment, for they had borne false witness against their neighbor. I would, however, say no more of the Bishop of Chester's speech, but if any more positive proof of its error were wanting, he had only to turn over the Dublin Evening Post for half an hour, and he would find the whole proceedings of the meeting at which Dr. Dromgoole's speech was censured.

[Mr. O'Connell here took occasion to eulogize Mr. Canning, Mr. Plunkett and Mr. Brownlow, and contrasted the conduct of the latter with that of the Marquis of Anglesea.]

The contrast I was going to offer, and that which would alone make us despair, if I did not know my countrymen better, is that of the noble and gallant deserter, the Marquis of Anglesea. He said, now was the time to fight. But, most noble Marquis, we are not going to fight at all, and above all things, most noble Marquis, we are not going to fight now, under favor. This may be your time to fight—you may want us to fight ere long with you, as you wanted us before—your glories, and your medals, and your dignities, and your titles, were bought by the young blood of Catholic Ireland. We fought, Marquis of Anglesea, and you know it well—we fought, and you are Marquis; if we had not fought with you, your island of Anglesea would ere this have shrunk into a cabbage garden. And where would now have been the mighty conqueror of Europe: he, who had talent to command victory, and judgment to look for services, and not creeds to reward men

for merits, and not for professions of faith; where would he have been if Ireland had not stood by you? I myself have worn, not only the trappings of woe, but the emblems of sincere mourning, for more than one gallant relative of mine who have shed their blood under your commands. We can fight—we will fight when England wants us. But we will not fight against her at present, and I trust we will not fight for her at all until she does us justice.

But, most noble Marquis, though your soldiers fought gallantly and well with you, in a war which they were told was just and necessary, are you quite sure the soldiers will fight in a crusade against the unarmed and wretched peasantry of Ireland? Your speech is published; it will, when read in Armagh, and the neighboring counties, give joy, and will be celebrated in the next Orange procession; and again, as before, Catholic blood will be shed; but most noble Marquis, the earth has not covered all the blood that has been so shed; it cries yet for vengeance to heaven, and not to man; that blood may yet bring on an unfortunate hour of retribution; and if it do, what have you to fight with? Count you on a gallant army? There are English gentry amongst its officers, the sons and descendants of those who wielded the sword for liberty, never to strike down to slavery their fellow men. English chivalry will not join with you, most noble Marquis of Anglesea: and though you have deserted her and taken the prudent side of the Commander-in-Chief, yet, gallant Marquis, I think you have reckoned without your host.

Let me tell you this story, sir. I am but an humble individual. It happened to me, not many months ago, to be going through England; my family were in a carriage, on the box of which I was placed; there came up on the road, eight or ten sergeants and corporals, with two hundred and fifty recruits. I perceived at once the countenances of my unfortunate countrymen laughing as they went along, for no other reason than because they were alive. They saw me, and some of them recognized me; they instantly burst from their sergeants and corporals, formed around my carriage, and gave me three cheers, most noble Marquis. Well, may God bless them, wherever they are, poor fellows! Oh, you reckon without



your host, let me tell you, when you think that a British army will trample on a set of petitioners for their rights—beggars for a little charity, who are looking up to you with eyes lifted, and hands bent down. You will not fight us now, most noble Marquis; and let me tell you, if the battle comes, you shall not have the choice of your position either.

But though he is an excellent soldier, the Marquis is a special bad logician—no blame to him; for, in the same speech, he said he was still for Catholic emancipation, and would return to us as soon as he was certain that emancipation was consistent with Protestant ascendancy. Ascendancy forsooth! Catholic emancipation supposes universal equalization of civil eligibility, and it cannot consist with the ascendancy of any party. (The Marquis is ready to open the window to us as soon as he is sure the sun will not shine through it.) I am not afraid of his sword. Still less do I feel in peril from his logic. The King of Prussia, when the Saxons left him, one fine morning, said, “Let them go against us, it is better that all the enemy should be together, and all our friends together also.” I make a present of you, to our opponents, most noble Marquis. Him who thus deserted us, and halloed in the ranks of those whose cry was religious dissensions,—him have I contrasted with the true genuine Protestant Christian, who, firm in his own opinion, was the enemy of the Catholics, so long as he believed them to be the enemies of liberty, religious and civil; but who, the moment he was convinced that they were equally its friends as himself, became our supporter, and set the glorious golden example of a perfect sacrifice of all that little pride and jealousy which attach to a change of genuine opinion—him have I contrasted with Mr. Brownlow, who, be it ever remembered, stood by no Commander-in-Chief, and who can only expose himself in injury and expense, by a sacrifice to principles which the Marquis of Angelsea may admire, but cannot afford possibly to imitate.

[Mr. O'Connell then proceeded to panegyricize the public exertions of Sir Francis Burdett, Lord Nugent, and the Earl of Donoughmore; and passed some severe sarcasms on Sir T. Lethbridge and Mr. Banks, senior.]

There was one speech more on which I will say a few words—it was the speech of Lord Liverpool. I have never read a polemical speech of the noble lord till that. The noble lord seemed to have been employed in a manner quite becoming a great statesman; disregarding the course which our ancient enemy, France, was pursuing: not thinking that she was daily increasing her armies—that she was creating an efficient navy—that she was rapidly paying off her debt—that tithelless France was daily improving her resources, and getting rid of the burdens which the war had left on her—that she was building a large class of frigates, and appeared as if inclined, on some fit opportunity, to dispute with us once more the empire of the seas. Of all these facts the noble lord seemed heedless; they were perhaps beneath the notice of his great mind. He did not calculate on the rising generation of America, that country in which alone the Irish Catholic has fair play. He did not appear to consider in what time a westerly wind, which would shut us up in the channel, would waft a fleet to the shores of Ireland, perhaps at some period of distress and discontent, when arms and not men might be wanting. All these were subjects below the consideration of Lord Liverpool's great mind. He was busied with one of much greater importance to the state. He was engaged in polemical discussions about auricular confession and penance, and the mode of administering the sacrament; and as the result of his studies in those important matters, he poured forth a rich and luscious discourse on an admiring audience. In the course of that speech, the noble lord read the House of Commons no very gentle lecture for having presumed to send up such a bill. Here was another reformer. It had been said, perhaps untruly, that the great majority of the House were sent into their places by several members of the Peers: if that were true, it might perhaps account for the scolding given for having passed a bill not approved by their masters. Be that however as it might, the House of Commons were scolded—perhaps they deserved it. The noble lord had expressed an opinion, that the religion of several millions of his fellow-subjects was such, as to render them unfit for the enjoyment of civil rights to the same extent as the Protestant. What new

light was it that broke upon the noble Earl's mind, so as to produce this impression, so opposite to that which he seemed to feel only one year before?

The noble Earl appeared to hold a very different opinion of the Irish people last year. On the 8th of April, 1824, he was reported to have said in his place in the House, speaking of the Irish, "that whatever they may be in their own country, I say of them in this, that there does not exist, on the face of the globe, a more industrious, a more honest, or more kindly-disposed people." Surely they have not changed their religion since then; and if, in 1824, that religion could make them "honest, industrious, and kindly-disposed," why should it be urged as a ground for exclusion from the full enjoyment of the rights of British subjects in 1825? What other use would a statesman make of religion but to instill morality and public order? The noble Earl went on in the same speech to say, "I think it material to bear this testimony in their favor, because whatever may be the evils of Ireland, and from whatever source they may proceed, it is impossible for any man to imagine that they arise from any defect in the people. We may boldly assert that it is impossible to find a more valuable class of people in any country in the world." And yet it was this most valuable class of persons that the noble Earl in his late address would condemn to eternal exclusion from the full benefits of the constitution. Did the noble Earl imagine that the drivelling nonsense of Dr. Duigenan, which he had kept bottled up for seven or eight years, and now drew forth to treat the British nation, would drive a people such as he had described from their purpose? Let the honest lord stand forth and defend his consistency. He had made that speech from which he had just given the extract in 1824; the second speech was made in 1825. In the interim the Duke of York had made his declaration of eternal hostility to the great question of emancipation. The Bishop of Chester was not the only convert which that speech had made. The noble Earl, to use a vulgar adage, "knew how the cat jumped." Oh, my Lord Duke, with what pleasure will this speech of my Lord Liverpool and that of his Royal Highness of York be received at the meeting of the allied Sovereigns—those mighty despots

who, tyrannical as they are, still respect the consciences of their subjects? What joy will they not feel at reading this wise effusion of England's prime minister? They will in their hearts say, "Let it go forth, it will work for our views." They will add: "Rockites, keep your spirits—

*Durate et vosmet rebus servate secundis.*

Or, as Cromwell said, "'Trust in the Lord and rest on your pikes.' Matters are going on in the way that you and we and the enemies of England's peace could wish." Such would be the sentiments of all who were envious of England's power, and jealous of that freedom by which she acquired it. Their feelings on this subject would not be less gratified when they read, if they could believe it, the calculation made by Mr. Leslie Foster, showing that the population of Ireland was less by two millions than it was generally considered. That honorable gentleman, who was the more fit to be the head pedagogue of a large school, than at the head of a respectable county (a situation by the way in which the votes of Catholics had helped to place him), had come to parliament with his primer and his multiplication table, and endeavored to show that the Catholics of Ireland were not so numerous by two millions as was generally believed. He began by counting the number of children that attended some of the charity schools, and then taking the number of parents that each child had, which was easy to ascertain; but he omitted to consider how many children each set of parents had, which in Ireland might perhaps be more difficult. He also omitted to notice the number of children that never attended at those schools; but the result of his calculation was, that the Catholics were less by two millions than their advocates stated them to be.

I have heard of killing off by computation by Captain Bobadil; but this beat Bobadil quite out. However, the error was not too gross for the party to which it was addressed, for the noble Earl swallowed it, Bobadil and all. What, I beg calmly to ask, would be the effect of the noble lord's denunciation of perpetual exclusion, upon the four or five millions of Catholics which Mr. Leslie Foster had left? (for he would admit for the moment that they were reduced two millions

without the aid of Lord Anglesea's broadsword.) They were told they could not be free while the Protestant church establishment existed, for that their entire emancipation was incompatible with the safety of that establishment, was this not in effect putting every man, woman and child of the five millions of Catholics in hostility to that church? I beg most distinctly to deny the justice of the assumption on which this argument of exclusion was founded. The Catholics did not wish to see the Protestant church subverted. I would solemnly declare, that I would rather perish than see the Protestant church subverted and my own church substituted in its place.

[The learned gentleman, after adverting to the petitions from England in favor of a repeal of the assessed taxes, which amounted to about three millions, proceeded to observe, that that sum and much more might be saved to this country, by merely doing an act of justice to the Irish people.]

Ireland now costs this country four millions a year more than her revenue produced. Let justice be done—let peace and content be brought about by this act of just concession, and Ireland, instead of being a burden to England, will prove a rich source of wealth and strength to the empire. Capital will flow into the country, her resources for its employment would become known, the facilities for every kind of commerce which her ports afforded would ensure a flow of wealth to English capitalists—the only persons who can take advantage of them—an advantage which they were deterred from seeking by the present unsettled state of the country. See what sources of annoyance, of war and bloodshed Wales and Scotland were, until they were incorporated in one government with England, and until their inhabitants were fully admitted to all the advantages of the constitution as British subjects, while they now contribute much to the strength of the empire. Why should not the same attempt be made with respect to Ireland? Is she to be forever excluded from the full benefits of the constitution? Before I conclude, I beg to notice a paper which had within these four days been circulated with great assiduity by the enemies of emancipation. One of those papers I now hold in my hand. It called

on all friends of the Protestant religion to read some extracts which it contained from the *Journal des Débats*, and to pause before they gave any support to the prayer of the Catholics. I will briefly state the nature of the case mentioned in the extracts, in order to show the gross injustice of founding upon it any charge against the Catholics. In the department of Aisne, an application was made by some Protestants for the erection of a Protestant church and the appointment of a minister of their religion to officiate in it. Now by the law of France the government is obliged in any place where there are five hundred Protestants residing, to erect a church for them, and to provide a minister to officiate in it. That clergyman was paid one hundred pounds a year, while a Catholic curate officiating for a similar number of Catholics, received only eighty pounds a year. The reason was, that a Protestant clergyman might have a wife to maintain, while a Catholic had not. The application was refused, not because it was intended to discourage the Protestant religion, but because the number of Protestants making application did not amount to one half the number for which the law authorized the building of a church—and this was the gross instance of religious oppression of which such loud complaints were heard in this country! What would have been said if there were three hundred Protestants living in one parish and only one Catholic, and that those three hundred were not only obliged to provide a place of worship for themselves, but also to build, at their entire expense, a church for the use of one Catholic? Would not all England ring with outcries against the injustice of the act? And yet an act of this description, with the exception that the parties were placed in situations the reverse of what he had described, had just occurred in Ireland.

A petition was a short time ago presented to the House of Commons, from three hundred Catholic inhabitants of a parish in Ireland, the name of which would sound very harsh in English ears, and which could with difficulty be pronounced by English lips, the parish of Aghado. The petitioners stated that they were the only inhabitants of the parish except one, and that one was a Protestant; that there was no Protestant church in the parish, but that the Protestant inhabitant had

the use of a pew in a neighboring parish church, and they complained of being called upon to bear the expense of building a church for that one Protestant. What, he repeated, would have been said if the petitioners happened to be Protestants, and the one inhabitant a Catholic? But because they were Catholics, it was passed over as a matter of course, and not a word was heard about the oppression of the case.

Another subject on which a great outcry had been raised, was lately stated in a French journal, the *Constitutionnel*. It appeared that a church at Nérac had been in possession of a Protestant congregation since 1804. This church had originally belonged to the Convent of St. Clare. In the French revolution, when the axe and the guillotine were in daily use against the ministers and professors of religion, the nuns were turned out upon the world, and the convent church was used as a storehouse. In this situation it continued until 1804, when it was given to a Protestant congregation, with no other title of gift or purchase than the mere *procès verbal* which assented to the application which had been made for it. Not long back the Convent of St. Clare was restored, and not unnaturally, the nuns applied for the church which had originally belonged to them. A regular legal proceeding was commenced for its recovery, and the members of the Protestant congregation, not being able to prove a good title, were obliged to give it up. For this, however, the *Times* and *Chronicle*, and other liberal journals, were quite enraged; their very types seemed to fly about in a passion. But what was there in the case to call for such angry comment?

It was said that the curé of Nérac made use of some very illiberal expressions on the occasion of regaining possession; if he did, there was no man connected with the *Times* or *Chronicle* who would more readily condemn any such expression than he would. Let it, however, be recollected, that the charge made was the charge of an enemy. It was made by a party of the old Jacobin school—of those whose friends had succeeded in overthrowing the altar of France for a time, and now, when religion was restored, would wish to hold up its ministers to contempt or reproach. I think the charge, coming from such a quarter, ought not to be entitled to any more

weight than an idle calumny which might be found against himself in the John Bull of this town.

Suppose during the power of (Cromwell—that scriptural Christian, with texts in his mouth and sword in his hand—) suppose that rough commander were to have bestowed a Protestant church on a Catholic congregation or on any of the various sects of Christians (I speak without disrespect of any) which swarmed through the land in his day, and suppose, on the restoration, it was to be claimed, and a legal process instituted for its recovery, would the decision of that claim in favor of the original owners, be a proof of bigotry or oppression in the Church of England? Why then should that be called bigotry in one case, which would be an act of justice in the other? Talk of bigotry in France from Catholics to Protestants! In that country both were alike eligible to places of trust and power in the state; but whoever heard in any of their public assemblies—in the Chamber of Deputies—of a Lethbridge or an Inglis getting up in his place and reviling with coarse epithets the religion of his Protestant fellow-subjects? (By the way, I intended to make a few remarks on the Index Expurgatorius of Sir H. Inglis, but I forgive him.) To those who talked of Catholic bigotry I would say, let the Catholics of this country be placed on the same terms of equality with their Protestant brethren, as the Protestants of France are, with respect to their Catholic fellow-subjects, and I would rest perfectly satisfied.

I fear I have trespassed too long on the patience of the meeting—but there were one or two points more on which I would say a word. The bill which the Lords had rejected was accompanied part of the way in the other House, with two measures called its wings. Those measures were condemned by some who were friendly to the great question; but the Catholics of Ireland were not the authors of those measures; they were no party to their origin. Of that bill which went to make a provision for the Catholic clergy I would say, that the clergy desired no such provision. They are content to serve their flocks for the humble pittance which they now receive. The rewards to which they looked for their incessant and valuable labors, are—let every hair of the Bishop of



Chester's wig stand on end at hearing it—not of this but of another world. It is not the Catholics who desire those measures. They are sought for by the Protestants, who look upon them as some sort of security; and the Catholics are disposed to make some sacrifice to honest prejudices, by acceding to that which they did not approve. It was this feeling which produced those measures, and brought on that ridiculous scene of one of his Majesty's ministers strongly objecting to the "wings," while another was eagerly flapping them on, until, like the tomb of Mahomet, the Catholic bill hung suspended between the two counteracting influences. As to the second bill, respecting the forty shilling freeholders, it is one which I cannot approve. I am too much of a reformer, and of that class called "radical," to wish for any such alteration. I did assent to it only because it was considered that Protestants desired it. I would much rather have emancipation without it. They are now, however, gone by, and I hope they will never again make their appearance—certain it is, I shall never wish for them, unless they are earnestly desired by the Protestants.

I now, my lord Duke, take my leave; I fear I have exhausted the patience of this meeting. I am grateful for the attention with which I have been heard; I have spoken under feelings, perhaps, of some irritation—certainly under those of deep disappointment. A crowd of thoughts have rushed upon me, and I have given utterance to them as they arose, without allowing my judgment a pause as to which I should select and which restrain. I now go back to my own country, where I expect to find a feverish restlessness at having insult added to our injuries. Our enemies—perhaps I ought to say opponents—have offered this insult; they have barbed with disgrace, the dart of death. It will be impossible not to expect a degree of soreness at the way in which our claims have been met—at this additional insult. It is impossible not to feel disappointed at the manner in which we have seen Lord Liverpool truckle to the nonsense about the coronation oath (some person here said No, no.) I repeat it, he did; and my conviction is that all we heard reported of him in the newspapers was dictated from that quarter. We shall now return to Ire-

land, and there advise our countrymen to be patient—to bear the further delay of justice with calmness, but not to relax their fair, open, and legitimate efforts in again seeking for their rights. They have put down one association; I promise to treat them to another. They shall trench further on your liberties—they shall dive deeper into the vitals of the constitution before they drive us from our purpose. We shall go on, but it will be without anger or turbulence. In that steady course we will continue to use all legitimate means to accomplish our object, until English good sense shall overcome bigotry in high stations—shall put down intolerance in persons great in office—until the minister be driven back to the half honesty which he before possessed, or to that retirement which he rigidly deserves.”

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#### SPEECH ON THE TREATY OF LIMERICK, 1826.

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[ON submitting to the Catholic Association, in 1826, the draft of a petition to parliament, asking that the provisions of the treaty of Limerick be carried into effect, Mr. O'Connell spoke as follows :]

The question is narrowed to a single point, and to any one reviewing the facts which history presented, it was impossible to deny that the treaty has been foully and flagitiously violated. The penal code was a violation of it, and while a particle of that code remains, so long the solemn compact entered into between the English government and the Irish people is a disgraceful monument of British perfidy. That treaty was a solemn, deliberate and authorized agreement. It was signed by bishops and commanders, and it was signed by Ginkle, who had the command of his government to give even better terms than it insured, and to make peace on any conditions, no matter how favorable to the people of Limerick, and of course to the whole people of Ireland. Who is it, who looks at history, that can be surprised that the wish to effect a peace should exist on the part of the English? At the time of

the war England was split into parties and dissensions. William had the adherence of the Whigs to his cause, but the Tories, who were the more numerous, though not so powerful, were arrayed against him. The Tories were like the cowardly Orange faction of the present day; they were mean and dastardly, and took especial care to keep themselves from every enterprise in which their persons would be endangered. The Scotch highlanders, a brave, hardy, and chivalrous race, who were Catholics, were devoted to the house of Stuart, and so were those of the lowlands too. The Calvinists of that country were in the same situation with the Irish of the present day; their consciences were oppressed—their religious liberty was restricted. They fought however in the field for their religion. Their efforts, although courageous and adventurous, were not suited to the meek spirit of Christianity. I would not fight for religion, because religion does not inculcate nor sanction such an act; but for my civil rights, I trust in God, there is no man who has a more sincere regard for their value, or who would make greater sacrifices and efforts for their defence. In England there were many enemies against William, and his situation was precarious. In Ireland his prospects were bad and discouraging: the Irish forces, though in part unsuccessful, were not discomfited, and they were learning those rules of discipline, without which an army is no more than a mob. The battle of the Boyne was lost not by the inferiority of the Irish forces, but by the paltry, pitiful cowardice of James. He only appeared once in the battle on that day. He made only one appeal, and that was when the soldiery of England was cutting down by the troops of Ireland under Hamilton—then he exclaimed, “O spare my English subjects!” Like another Duke of York he took up his position in the rear, and the races of the Helder had a glorious prototype in the races of the Boyne. “Change generals,” exclaimed the gallant Regan, in the evening when the battle was done, “Change generals, and we will fight the battle over again!” Three thousand were wounded in that battle and but three hundred were taken prisoners! How illustrative of the humanity of the conquerors! Still Clare was open, and its batteries were in possession of the Irish. The fortifications

of Limerick were yet at their command—French succors were daily expected—the war between England and France was already declared—and with such opposition, were it not for the treaty of Limerick, William would have been driven back into Holland, if even there he would have found a refuge from the French. The winter was fast approaching. His armies consisted of some Dutch and some Brandenburg troops, and some that were called Irish on whom no reliance was placed: they were the Enniskillen and Londonderry regiments. Oh! what regiments these were! Schomberg, in speaking of them, was only puzzled to decide which of the two regiments was more thievish, because both the regiments were much less remarkable for their valor than for their propensity to rob and steal. Their officers were peasants—plebeians who had advanced themselves by their baseness, and like the Orangemen of the present time, they were formidable only to an unarmed people. It was not unlikely that Mr. Dawson was the descendant of one of these peasants. The pleasure he felt in reverting to those times might probably be thus accounted for. This Mr. Dawson, who, if he were not a clerk in office, would not be worthy of contradiction, asserts many extraordinary things respecting this country. He felt no interest in preserving its character, because, like his brother Orangemen, he was not indigenous to the soil. They must certainly be exotics, for if half their venom was natural, the influence of St. Patrick would be effectual in banishing the reptiles from among us. But the reptile still lives, and here are its hisses.

[Mr. O'Connell here took up a printed report of Mr. Dawson's speech.]

Mr. Dawson tells us that the history of Ireland is a mere waste—not a spot in it to vary the dismal scene but Londonderry, that furnished the robbers to Marshal Schomberg. "Let us trace," says he, "its dark and bloody progress. When a foreign foe invaded, it shrunk at the foot of an insignificant conqueror." And this is what Mr. Dawson said of a country to which he boasts of belonging. Let me tell him this country was never beat. It was by Irishmen she was always ruined. Their treachery and disunion were the cause

of her defeat. Four fifths of the Irish troops joined the Cromwellian invaders under Dermot, and it was to their desertion, and not to the superior arms of her enemies, that her conquest was attributable. Mr. Dawson proceeded—"continued insurrection, intestine wars, bloody massacres, treacherous treaties." Treacherous treaties! Come forward, Mr. Dawson, with your native host of Orangemen, and prove infraction of one single treaty on the part of the Irish. I ask but one. But he takes care to make the charge general. Oh! that is the way in which libels and malignant imputations are uttered and circulated; for he knows he cannot substantiate it. "*Versatur in generalibus.*" Oh! how fatally true the Irish were to their treaties may be read in that of Limerick. The treaty was signed before communication was had to the other part of the army, which were, Mr. Chairman, under the command of an ancestor of your own. Before it was completed, the French fleet with men and arms arrived at Dingle. Some argued that the treaty was not binding—that it had been agreed upon only in the South. What was the reply? "We know we are not bound by the treaty, but Irish honor is pledged, and never shall we stain it." And well did they observe it. They dismissed the French troops—they admitted their enemies. They relied on English faith and Orange honor, and the consequence, the natural consequence, was that they were duped. But I turn on Mr. Dawson and say to him—you accuse us of violating treaties; if you cannot show me one you are a slanderer. And I turn on him again and say—show me one solitary treaty that England has ever performed toward us, and I will forgive her all the rest. No, sir, from the time the first footstep of the Saxon polluted our land, down to the last, and not least flagrant breach of faith at the execrable Union, I defy him to show me one compact between England and this country, that has not been treacherously and basely broken. The description of a treaty with the Irish, given by Clarendon, shows that the intention, at the moment of entering into them, was to delude and betray us. Next, Mr. Dawson says: "A systematic combination against the introduction of the arts and blessings of peace are (with those qualities he before stated) to be found in mournful succession throughout the lapse of centu-

ries." Really, this is very, very heartrending. They first take away our possessions, our rights, our wealth, and every incentive to labor and industry, and then one of that very faithless and base crew who betrayed us, an underling of a minister, is sent to thwart and irritate us—to charge us with the effects of their own perfidy, and to remind us of the blessings we have lost by being the victims of their diabolical deceit.

"During five or six centuries," says Mr. Dawson, "the history of Ireland presents not one single fact to claim the admiration or even the respect of posterity." The blundering bigot then, with a classic affectation, asks: "Where can we look for one green spot to cheer us in our gloomy pilgrimage?" Oh, hear this Orange bigot asking for a green spot! I was reading at the very time I received the newspaper with Mr. Dawson's speech, a passage in a work which has been ever and is still looked up to as a high authority on the subject of which it treats. It is an account of the injuries and massacres of the Irish in 1641, by Dr. Curry, and there the occurrence to which I allude is to be found. Many, innumerable instances could be drawn from the historians of the times in which Mr. Dawson's ignorance delights to revel, not of one fact, but of hundreds of facts, calculated to elevate the character of the Catholics of Ireland. Speaking of the county of Mayo, the historian says: "In this county few murders were committed by either side, though the libel saith, that about two hundred and fifty Protestants were murdered, whereof at Belluke two hundred and twenty; whereas not one person was murdered there, which the now Lady of Monrath can witness; her ladyship and Sir Robert Hanna, her father, with many others, being retreated thither for security, were all conveyed safe to Manor Hamilton. And it is observable that the said lady and the rest came to Mr. Owen O'Rorcke's, who kept a garrison at Drumaheir, for the Irish, before they came to Manor Hamilton, whose brother was prisoner with Sir Frederick Hamilton. And the said Mr. O'Rorcke, having so many persons of quality in his hands, sent to Sir Frederick to enlarge his brother, and that he would convey them all safe to him. But Sir Frederick, instead of enlarging his brother, hanged

him the next day, which might have well provoked the gentleman to revenge, if he had not more humanity than could be well expected upon such occasions, and in times of so great confusion; yet he sent them all safe when they desired." Yes, he sent them all safe when they desired. He did what he ought to do, harrowed as his heart must have been at the atrocious outrage that had been committed by his rash and ferocious enemy. He did what an Irish gentleman did do, and does do—he spurned at cruelty. He was not goaded, even by the example set him, into an imitation of barbarity. His honor stifled his sense of injury. I will give that fact to Mr. Dawson, and let him make the most of it, in classic fulminations against the Catholics of Ireland. Let Mr. Dawson read this fact, and if he persist in aspersing his native land after the perusal of it—if he should then impugn the chivalrous generosity—the humanity—the virtues of Ireland, I will only say, that if Ireland has produced generous hearts and dispositions, she has also produced monsters and anomalies, which have turned what was intended to be one of the gardens of the world into the pitiful pelting province that she is at this moment!

Mr. Dawson had said that the object of James II. was to establish the Catholic religion both in England and Ireland, and with it unlimited despotism. This was a false assertion; he did no more than to proclaim toleration, and this was enough for the Dawsons of the day to expel him from the throne. The prosecution of the seven bishops I now condemn, and if I had lived in the day of the occurrence I would have condemned it then. Mr. Dawson says, that in order to effect the purpose of establishing an unlimited despotism in Ireland, James proceeded to remodel the civil establishments, and he accordingly displaced every Protestant who held an office in the administration of justice, and filled up the place of chancellor, chief judges, puisne judges, privy counsellors, sheriffs, magistrates, and even constables, with Catholics. Talking of constables reminds me of the Dublin corporation; that immaculate body once petitioned for the removal of (Mulvaney, the scavenger,) from his functions, because he was, contrary to law, a Papist! Oh, what a relentless spirit! They would not

allow a Papist to fill even the dirtiest office of the state. It is asserted by Mr. Dawson, that all the judges appointed by James were intolerant. This is false; James nominated only three judges—Nugent, Lord Riverston, Sir Stephen Rice, and Daly. Would to God all Judge Dalys were like him. He never raised himself to the bench by destroying the interests of his country. He never devoted his leisure hours to calumniating his wretched, ragged countrymen! All three individuals nominated by James to the bench, were remarkable for their purity and perfection. They are quoted by Protestant writers as the models of judicial knowledge and purity. It was related of Rice that he gambled his property, and this was the only blemish that ever sullied his reputation. They lived in troubled times and they survived them. They did not fly, as they would have done if they had been guilty of a crime or a dereliction of duty. They lived honored and respected, and they descended to their graves without taint or reproach, having served their King well, and I trust having served their God better. Oh! it is only Orange bigotry that could ransack the very graves to find materials of insult; but in this instance, as in every other, it has failed, and I defy it to the proof. Mr. Dawson had alleged it as a charge, that it was enacted by James that three fellows of the University were prohibited from meeting together. Even if it were so, how did the enactment differ from the enactments usual in all cases of civil commotion. What was this act intended to prevent but a Protestant insurrection? *Flagrante bello*, it is provided that there shall be no meetings of persons who might conspire to cause a public tumult, and this which is now practiced—nay, which is carried to an unparalleled extent in Ireland under the present government, is charged as a crime upon James. But it should not be forgotten that by the repeal of that act of settlement, the monarch himself was a sufferer to an immense amount. The passing of that act, however, might not be justified, but decidedly any act that would tend to subvert it would be unjust. Transfers and conveyances had been made to such an extent, that it would be an unjustifiable crime to disturb them. I have been accused of recommending the repeal of the act of settlement, and I dare say I will now be



accused of recommending it. But as a proof of my sincerity in defending it, I will say that if that act were annulled I would be comparatively a beggar. My property hangs upon its continuance. The property of my two brothers, who are both independent, hangs upon the same title. What then have I to gain by a change? Mr. Dawson had complained of the attainder of two thousand six hundred Protestants by James. But what was there in that, worthy of reprobation? Those attainted men had fled the country; they were told that if they did not come back within a certain period they would be attainted. They did not return and they were attainted! Why should they not? They were attainted because they were enemies of the King; and if they were not enemies of the King, they were base cowards, for they ran away when their country needed their assistance in its cause. In Athens it was the law that every man who was neutral was criminal—"He who is not for us is against us." And shall it be said that those who fled from their country when she needed their energies on her behalf, were not deserving of obloquy and punishment?

Mr. Dawson had said that the parliament of James was Catholic. I admit the fact. But let Mr. Dawson show me any act of their doing that can shake their purity and honesty! Let him show me an act even proposed for the purpose of oppressing the consciences of Protestants! No, the parliament of that day sat in friendship with a few Protestants, and their Bill of Rights was more extensive even than that of England. Even after the excesses and cruelties that had been committed against the Catholics, when they were deprived of power, and when they regained it, was there a system of blood and cruelty on their part, although they had the dominion if they used it? Under Mary the Catholics of Ireland were not persecutors, and again under James they wielded their power in mercy and toleration. They forgot the persecutions which their body endured under Elizabeth, and they only bore in recollection the character of their religion, which taught them to give charity and good-will for persecution and cruelty. Mr. Dawson had said that King James had taken away their churches from the Protestants. This assertion, as well as the other assertion, made by that profound statesman, was false.

This statement was derived from the pure pages of Archbishop King's work. The cathedral of Christ's Church in Dublin was the King's chapel, and it was in that case alone that James exercised his authority, and in dispossessing the holders of that cathedral he acted under his royal right and was not influenced by his religious feelings. The contrary was the fact with regard to Wexford. In that county the Catholic soldiery had taken possession of a Protestant church, and when James heard the circumstances he ejected the soldiery and restored the church to its owners. Doctor Leslie, a learned divine of the Protestant Church, had challenged the accuracy of King's book, and had denounced and refuted it, and now, after such a lapse of years, Mr. Peel sends out his underling, Mr. Dawson, his clerk, to repeat the calumnies. Who was this King? He was a vile parasite of James? He was the ecclesiastic who prayed from his pulpit, that God might blast him if he ever preached any other doctrine than passive obedience, and at another time, that God might blast and destroy William and his consort, if they had any intention of invading this country! He—he is the vile toad-eater, who has denounced the monarch whose feet he kissed! Dopping, who preached up that there was no faith to be kept with the Catholics of Limerick, was the first to present an address to King James on his landing. What an exquisite pair of defenders of the violation of the treaty of Limerick! What immaculate authority for Mr. Dawson to quote from! Is it to be endured that Peel, who knows nothing of the history of these times, or the history of our country, is to send out one of his clerks to blow up, with his pestiferous breath, the embers of those unholy fires of bigotry which had been nearly extinguished by the superincumbent influence of liberality and good fellowship, and to excite, by his evil agency, the inflammable materials of Irish society? Before I conclude, I will read an extract from a work written by Mr. Storey, a chaplain in the army of King William, who is a tolerably good authority on the bravery of the Irish troops, which Mr. Dawson has repudiated:

Wednesday, the 24th. A breach being made near St. John's Gate, over the Black Battery, that was about twelve yards long, and pretty flat,

as it appeared to us, the King gave orders that the counterscarp should be attacked that afternoon, to which purpose a great many woollsacks were carried down, and good store of ammunition, with other things suitable for such work. All the grenadiers in the army were ordered to march down into the trenches, which they did. Those, being about five hundred, were commanded, each company, by their respective captains, and were to make the first attack, being supported by one battalion of the Blue Dutch on the right, then Lieutenant Douglass's regiment, Brigadier Stuart's, my Lord Meath's, and my Lord Lisburn's, as also a Brandenburg regiment. These were all posted towards the breach, upon the left of whom were Col. Cutts and the Danes. Lieutenant General Douglass commanded, and their orders were to possess themselves of the counterscarp and maintain it. We had also a body of horse drawn up to succor the foot upon occasion. About half an hour after three, the signal being given by firing three pieces of cannon, the grenadiers, being in the furthest angle of our trenches, leaped over and ran towards the counterscarp, firing their pieces and throwing their grenades. This gave the alarm to the Irish, who had their guns all ready, and discharged great and small shot upon us as fast as 'twas possible. Our men were not behind them in either, so that in less than two minutes, the noise was so terrible that one would have thought the very skies were ready to rend in sunder. This was seconded by dust, smoke, and all the terrors that the art of man could invent to ruin and undo one another; and to make it the more uneasy, the day itself was excessively hot to the bystanders, and much more sore, in all respects, to those upon action. Captain Carlisle, of my Lord Drogheda's regiment, ran in with his grenadiers to the counterscarp, and though he received two wounds between that and the trenches, yet he went forward and commanded his men to throw in the grenades, but in the leaping into the dry ditch below the counterscarp, an Irishman below shot him dead. Lieutenant Burton, however, encouraged the men, and they got upon the counterscarp, and all the rest of the grenadiers were as ready as they. By this time the Irishmen were throwing down their arms and running as fast as they could into town, which, our men perceiving, entered the breach, pell-mell, with them, and half the Earl of Drogheda's grenadiers and some others were actually in town. The regiments that were to second the grenadiers went to the counterscarp, and, having no order to proceed, they stopt." [I engage they did, they stopt sure enough.] "The Irishmen were all running from the walls, and quite over the bridge into the English town; but seeing but a few of our men enter, they were with much ado persuaded to rally, and those that were in seeing themselves not followed, and their ammunition being spent, they designed to retreat, but some were shot, some taken, and the rest came out again, but very few without being wounded. The Irish then ventured upon the breach again, and from the walls and every place so pestered us upon the counterscarp, that, after nigh three hours resist-

ing bullets, stones, broken bottles, from the very women, who boldly stood in the breach and were nearer our men than their own, . . . .”

And here I will pay a tribute to the heroic virtues of these women, who thus sacrificed themselves for their country's honor. An officer of the Irish army was wounded. The instance is one of singular interest, arising from female courage and presence of mind. He was wounded, and was flying into his own house, and was pursued by an enemy. He had gained his door, and his wife, from a window in the house, was a witness of his efforts to escape from his relentless pursuer. The window-stone was loose, and it was a ready instrument for her purpose. Her husband was nearly a victim to the revenge of his foe, who had just stepped upon the threshold, when the impulse of the mind of the fond and courageous woman gave a strength and energy to her efforts,—she hurled the stone upon the ruffian's head, and he bit the dust. Oh, what splendid devotion to country! Would there have been an Irish heart among the Irish, if they did not beat out their invaders, stimulated as they were, by such heartcheering examples.

[Mr. O'Connell resumed the reading.]

. . . . “whatever ways could be thought on to destroy us, our ammunition being spent, it was judged safest to return to our trenches. When the work was at the hottest, the Brandenburg regiment, who behaved themselves very well, had got upon the Black Battery, when the enemy's powder happened to take fire, and blew up a great many of them, the men, fagots, and stones, and what not, flying into the air with a most terrible noise. Colonel Cutts was commanded by the Duke of Wurtemberg, to march towards the spur at the south gate, and beat in the Irish that appeared there, which he did, though he lost several of his men, and was himself wounded; he went within half musket shot of the gate, and all his men were open to the enemy's fire, who lay secure within the walls. The Danes were not idle all the while, but fired upon the enemy with all imaginable fury, and had several killed, but the mischief was, we had but one breach, and all towards the left, it was impossible to get into the town when the gates were shut, if there had been no enemy to oppose us, without a great many scaling ladders, which we had not. From half an hour after three till after seven, there was one continued fire of grape and small shot without any intermission; insomuch that the smoke that went from the town reached in one continued cloud to the top of a mountain at least six miles off. When our men drew off, some were brought up dead, and some without a leg, others wanted

arms, and some were blind with powder, especially a great many of the poor Brandenburgers looked like furies, with the misfortune of gunpowder. One Mr. Upton, getting in amongst the Irish in town, and seeing no way to escape, went in the crowd undiscovered, till he came at the Governor, and then surrendered himself. There was a captain, one Bedloe, who deserted the enemy the day before, and now went upon the breach, and fought bravely on our side, for which his Majesty gave him a company. The King stood nigh Cromwell's fort all the time, and the business being over, he went to his camp very much concerned, as indeed was the whole army; for you might have seen a mixture of anger and sorrow in everybody's countenance. The Irish had two small field pieces planted in the King's Island, which flanked their own counter-scarp, and in our attack, did us no small damage, as did also two guns more that they had planted within the town, opposite the breach, and charged with cartridge shot. We lost at least five hundred upon the spot, and had a thousand more wounded, as I understood by the surgeons of our hospitals, who are the properest judges. The Irish lost a great many by cannon and other ways; but it cannot be supposed that their loss should be equal to ours, since it is a much easier thing to defend walls, than 'tis by main strength to force people from them; and one man within, has the advantage of four without."

[Here followed a list of officers killed and wounded, needless to be recounted.]

Are we after this to be told by Dawson that our countrymen were not brave, and would not succeed, if they had held out? In a base violation of the treaty, which had been signed before the walls of Limerick, the privileges and immunities promised, were denied,—the treaty was broken—it stands a record of British perfidy! Our ancestors, sir, for I, too, may say that blood runs even in my veins from those who fought before Limerick, are denied their rights! Your noble brother, degraded from his natural rank, is unrepresented and unrepresenting. He neither has a vote in the election of his own order, nor the voice of a Forty-shilling Freeholder in returning a member to the Commons' House of Parliament. Where is the liberty the Catholics enjoyed under Charles I., which was secured to them by the treaty of Limerick? Tell me that, Mr. Dawson. Tell me that, Orange faction. Let Mr. Peel bring his borough members, who come in when the division bell is rung, to assert facts contrary to reason and religion against us; but let them not insult us

by saying that the treaty of Limerick has not been foully violated.

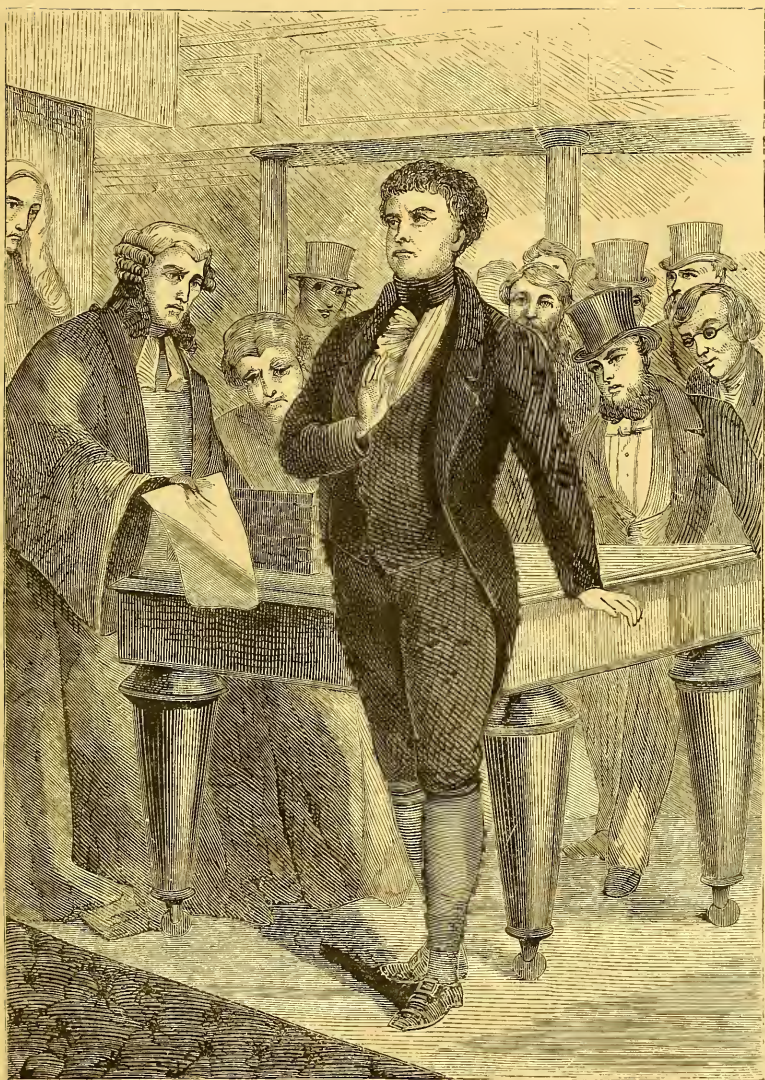
There is another trait of Mr. Dawson's hypocrisy that is worth mentioning. After my examination before the Parliamentary Committee, Mr. Dawson came up to me, and told me, in the weakness of his heart, that my evidence had removed many prejudices from him, and that his opinions on many subjects were altered. I rejoiced at the declaration, and I respected him for making it at the time. I mentioned in public the fact, and stated that Mr. Dawson had shaken hands with me in the interview, and this part of the relation it was deemed necessary to contradict in the *Dublin Evening Mail*. I do not know whether he shook hands with me or not. I hope now he did not. I would shrink from any contact with a man who could make such a declaration to me as he did, and since falsify it by his acts.

I have done—I have shown that the treaty of Limerick was foully violated. I arraign those who perpetuate the violation by their hostility to us, and to our cause. I arraign their bigotry in the face of the world; and I demand in the name of humanity and justice and faith, that at least the terms of the compact should be fulfilled.



SPEECH AT THE BAR OF THE HOUSE OF COMMONS,  
TO MAINTAIN HIS RIGHT TO SIT AS  
MEMBER FOR CLARE.

I CANNOT, sir, help feeling some apprehension when I state that I am very ignorant of the forms of this House, and therefore that I shall require much indulgence from you, if, in what I am about to say, I should happen, by anything that may fall from me, to violate them. I claim my right to sit and vote in the House, as the representative for the county of Clare, without taking the Oath of Supremacy. I am ready to take the Oath of Allegiance, provided by the recent statute, which



O'CONNELL REFUSING TO TAKE THE OATH.





was passed for the relief of his Majesty's Roman Catholic subjects. My desire is to have that oath administered to me, and of course I must be prepared to show that I am qualified in point of property; and whether the House thinks I can take the new oath or not, if I am required to take both, I am willing, at my own hazard, to sit and vote in the House. My right is in its own nature complete. I have been returned as duly elected by the proper officers. It appears by that return, that I have a great majority of the county of Clare, who voted for my return. That return has since been discussed in a committee of this House, and has been confirmed by the unanimous decision of that committee. I have as much right to sit and vote in this House, according to the principles of the constitution, as any of the honorable or right honorable gentlemen by whom I am surrounded. I am a representative of the people, and on their election I claim the right of exercising power with which their election has invested me. That question cannot arise at common law; it must depend only on the statute, whether a representative of the people is bound, before he discharges his duty to his constituents, to take an oath of any description. Up to the reign of Elizabeth, I believe I am correct in saying that no such oath existed. Up to the close of the reign of Charles II., no oath was taken within the House; the 30th Charles II. was the first statute requiring any oath to be taken within the House itself. The Oath of Allegiance (and no man is more ready to take the Oath of Allegiance than I am), the Oath of Supremacy (and there were very few in Parliament at that time who would not take it), and the Declaration, were for the first time introduced by that statute; and it not only required them to be taken and subscribed, but it went on to provide remedies against individuals who should neglect or refuse to take and subscribe them. Among those remedies, some of which were of an exceedingly extensive, and I may almost call them of an unlawful nature, was a pecuniary penalty of five hundred pounds; which I mention because I shall again call the attention of the House to it, before I close what I have to offer to its consideration. The purpose of that statute was obvious; it was stated to be "for the mode of serving the King's person and government,"

and the mode of attaining that object was disabling Papists from sitting in either House of Parliament. I am, in the discourteous language of the act, a Papist—I come within their description. I cannot take the oath prescribed, and shall shrink from signing the Declaration. The object of the statute is sufficiently clear from its title, and the construction of the statute must follow from that title. Therefore it is perfectly evident that as long as this act remained in force, it would have been vain for the people to elect me for any county or borough, as I could not exercise the right vested in me. The law declares expressly, that a refusal to take the oath shall be followed by the vacating of the seat, and the issue of a new writ.

Up to the period of the Legislative Union with Ireland, this statute, by means of other acts, was enforced, that is, it was partially enforced; the Declaration was enforced, and I find, by reference to the statute, which I took out of the library of this House, that, as to the oaths, they were repealed by 1st William and Mary, section 1, chapter 1. That act altered the form of the Oath of Supremacy; therefore, it was an oath asserting affirmatively that the supremacy in spiritual matters was in the crown, but that act negatives the foreign supremacy or spiritual jurisdiction. So stood the statute law until the period of the Legislative Union with Ireland. At that period, in my humble opinion, an alteration took place in the effect of the statute law. I respectfully submit, that at that period this alteration took place in the law—that whereas, by this statute of Charles II., and by that of 1st William and Mary, pains, penalties and disabilities were enacted against any man for sitting and voting without having taken the oaths, the direction of the act of Union was, that every man should take the oaths, but it imposed no pains, penalties or disabilities. I submit that the statute of Charles the Second could not operate upon this parliament; that it was an act of the English parliament; even a statute passed after the union with Scotland, could not operate; nothing can operate in this parliament but a Union statute, or a statute subsequent to the Union. This seems to me a perfectly plain proposition, such as no lawyer can controvert, and such as no judge

could possibly overrule. First, then, I claim to sit and vote without taking the oaths, by virtue of the Union Act. Secondly, I claim under the Relief Bill to sit and vote without subscribing the Declaration. Thirdly, I claim under the Relief Bill to sit and vote without taking the Oath of Supremacy: and, fourthly, I claim, under the positive enactments of the Relief Bill, to sit and vote without taking any other oath than that mentioned in the Relief Bill itself. I will endeavor to go through these four topics as briefly as possible.

The Union Act, as I before remarked, certainly directed the oaths to be taken, but with equal certainty it did not annex pains or penalties in not taking them. It did, however, direct them to be taken, and it is for the House to determine whether it has authority to prevent any man from exercising the right of representation without taking those oaths. I do not mean to canvass that point at great length: I do not mean to concede it, because I cannot; I state that there are precedents passed *sub silentio*, where gentlemen after the Union having neglected to take the oaths, private acts were brought in for their relief. But I put it to the House in its judicial capacity; and, having put it, I shall have it at once, whether the Union Act, not having given the power of depriving a representative of his right to sit and vote, the House could do it of its own authority, without the warrant of an express law. I would respectfully remind honorable members that this oath is a species of disherison of the public at large; I would remind them also, that those thus rendered ineligible are rendered ineligible for no other reason than the conscientious respect to the sacred obligation of an oath. It excludes a meritorious class, and admits all who neglect or disregard the sanction to which I have referred; it calls upon the people to elect the careless, the fearless, the mendacious, and it proceeds upon the bad principle of making a selection of the vicious to the exclusion of the conscientious. That being the spirit and principle of the law, I humbly submit to the House whether it would carry that spirit and principle into specific execution. I think if I stood on the Act of Union alone, I should stand firmly in this assembly of Christians and gentlemen, calling

upon them not to give effect to that vicious principle—not to encourage

“The strong antipathy of bad to good ;”

not to promote the choice of such as are hostile to those who reverence the sacred obligation of an oath, but to throw open the doors as wide as possible to all who will illustrate this assembly by their virtues and their talents. I quit that point and come to the next, to which I revert with pleasure, I found it on the Relief Bill.

I insist that the effect of this Relief Bill is to do away with the direction of the Union Act, as far as it relates to oaths. I will canvass that proposition first. The Union Act directed that these oaths should be taken for a particular period, and for a particular period only. The direction is, “And every member of the House of Commons in the United Kingdom, in the first and all succeeding parliaments, shall, until the Parliament of the United Kingdom shall otherwise provide, take the oaths,” etc. I contend that this direction is at an end—upon this direction depends the Oath of Supremacy, and my argument is that the period is arrived. The statute uses the adverb “until”—the provision was merely temporary and the period has expired. The Act of Union provides that certain oaths shall be taken until something shall happen. Has that happened? That is the only question. Let me see whether I can give an answer to the question. I say it has: that is my assertion, and how do I prove it? I take up the statute and I find—what? that the Declaration is forever abolished. Has not the House, in the words of the Act of Union, “otherwise provided?” This is a penal and restrictive act: it is restrictive of the people’s right. I take up the statute and I see that the Parliament has otherwise provided—not for Catholics alone—not for Protestants alone; but for Catholics, Dissenters, and Protestants—all without limitation or restriction. That the period has arrived, I have distinct evidence in what happened to myself at the table. The oaths then tendered to me were different from those which would have been tendered before the 13th of April; the document produced was new: it was fresh for the occasion; it was a novel introduction into the House.

On one side were the oaths for Protestants, and on the other those for the Catholics: and why was this? Because the Legislature has "otherwise provided" than at the date of Union. As one of the representatives of the people, I claim the benefit of the provision: I claim to come not within any of the oaths. If the new provision has not embraced every case, it is either the wisdom or defect of the act; but either in one case or in the other, the time contemplated has come, and I claim my right just as if the Union statute did not exist. But suppose that what I have said has not convinced the House, let me call its attention to the bill, and remind the House that in construing it, there are general principles of common sense to enable us to decide on the construction of a statute, as well as any bench of judges to decide on any intricate point of law.

Previously to the Union and to the passing of the act of 30 Charles II., the object of the Legislature was to prevent Papists from sitting and voting in parliament, and any decision of the House upon that statute must be a decision ancillary to that object. The object of the statute of Charles was to exclude Papists; but here is now before me a statute whose object is to open the doors to the Roman Catholics, and to annihilate the bar that has hitherto impeded their progress. First, I say, that this Relief Bill, like many others, sometimes takes up a portion of the subject in the middle—then it goes at once to the commencement, and again reverts to some other part of the subject: at all events it is not so methodical in its construction as to enable me to give at once an analysis of its contents. The second section provides for the case of all Roman Catholics being peers, and it enables them to sit and vote on taking the new oaths. It applies as well to the peers created in the period that intervened between the statute of Charles II. and the present day, as to those peers whose titles and rights existed prior to that statute; of these there were two who were deprived, I may now say, because it has been admitted in the Legislature, by an unjust attainder—Lord Kenmare and Lord Baron Ffrench. They were created peers during the period when it was impossible for either of them to exercise the right of the peerage by sitting and voting in parliament. This act

has admitted them to those rights. As the prerogative of the Crown has been restored to its full effect by means of this statute, so the right of representation has been made an equal right: as the royal prerogative has been perfectly successful, the privilege of the people ought to be equally potential. There are, however, these words in the second section: "or who shall after the commencement of the act be returned as a member of the House of Commons to sit and vote in either House of Parliament respectively." After the passing of the act everybody is to be entitled to the benefit; and I beg the House to reflect that if I, be not by the second section included, I am not excluded by it; though it does not affirmatively establish my right, it does not negative it by any enactment; it may not be sufficient to admit me, but there is nothing to shut me out. One point alone includes me, and it is a point of legal construction, depending on the authority of cases which I shall not now analyze. I might do so as a lawyer, were I addressing a bench of judges, but before a popular assembly, I ought not to occupy time in any such attempt. I only allude to them in order that if a court should hereafter decide that my argument is valid, it would impose upon me the necessity of taking no oaths at all, or else protect me against the exaction of the penalty.

The construction which a lawyer may put upon the statute, I apprehend, would be, that he who was returned before the passing of the act, was embraced within its provisions; and the House will give me leave just to mention that it has lately been solemnly decided in the case of a will, that notwithstanding the peculiar wording of it, children born after the date of the instrument, were included in its provisions. I will only remind the House of these technical rules, which I trust will never be carried into effect at the expense of any whom I am addressing. I repeat, that if the second section does not include, it does not exclude me. It may be said that it was framed for other objects—to let in persons who have claims like those of the Earl of Surrey; and here let me claim the assistance of the legal gentlemen in the House. Beyond a doubt—and I call their particular attention to the fact—if the second section does not aid me, it cannot possibly injure my

right to sit and vote. I come then at once to the right—I come to it under the tenth section of the act; and I implore you to forgive me for trespassing so long upon other matters, when I have this section before me, which seems to render doubt impossible.

“And be it enacted, that it shall be lawful for any of his Majesty’s subjects professing the Roman Catholic religion, to hold, exercise, and enjoy all civil and military offices and places of trust and profit under his Majesty, his heirs or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are, or may be, now by law required to be taken for the purpose aforesaid, by any of his Majesty’s subjects professing the Roman Catholic religion.”

I claim the benefit of that section; it is plain and distinct, and includes no technical subtleties; there is nothing to throw a cloud over its clearness, and having read it, I might stand upon that alone. If then I touch upon other matters, it is only because, not having the right of reply, it is necessary for me to endeavor to anticipate. If, in my anxiety to remove all objections and obstacles, I attribute to honorable members weak arguments they would not have used, and which they may gravely disclaim, I hope I shall be forgiven. This section introduces the franchise; in common parlance, indeed, the franchise was introduced before, because the fifth section provides that Roman Catholics shall vote at all elections of cities, counties, and towns; and it provides a new oath to be taken. Therefore as far as franchise can mean the elective franchise, the act is so intentionally extensive, that it uses the word unnecessarily, perhaps, again. Nay, more, the franchise connected with corporations is actually mentioned again in the fourth section; thus in the fifth section it means one species of franchise, in the tenth section another, and in the fourteenth a third. For fear any franchise should be omitted and forgotten, lest any party should by chance be excluded from the benefits, which I hope and trust will flow from the act, the word franchise is to be found in three different parts of it. It then goes on to give all civil rights, excepting such

as are hereinafter mentioned. The first question is, whether the right of sitting and voting in parliament be hereinafter excepted? I meet that with a direct negative—it is not; but there are offices excepted in the twelfth section, such as guardians and justices of the United Kingdom, the Regent of the United Kingdom, Lord High Chancellor, Lord Keeper, Lord Lieutenant of Ireland, and High Commissioner to the General Assembly of the Church of Scotland. In the fifteenth section also, the civil rights are excepted, which might be exercised for ecclesiastical promotion, and for presentation to livings in the gift of corporations. These do not include the right for which I contend, and I shall not detain the House by going through the act more minutely. I have read it attentively, and I can assert that I find in it no such exception. I shall be asked, perhaps, whether the right to sit and vote be a civil right? And I would reply, if I were permitted to do so, by asking another question—if it be not a civil right, what is it? I have looked into law books with a view to this question of civil right, and I find that Mr. Justice Blackstone, in his Commentaries, has divided the whole law into rights and wrongs. On the front of his book is found the very right to sit and vote in parliament. But I appeal to common sense and common understanding, is it not a civil right? Must it not be a civil right? In the section itself I find civil contradistinguished from military—that Roman Catholics may “enjoy all civil and military offices.” The section itself, therefore, explains the meaning of the term. But, travelling out of the section, and resorting to those who have best defined the meaning of the words in the English language, what do we find? Dr. Johnson tells us that “civil” is an adjective which means “relating to the community,” “political: relating to the city or government.” Now, “political” and “civil” must, by the by, mean the same thing; the only difference being that one word is from the Greek, and the other from the Latin. They are synonymous and identical, and no man can deny that sitting and voting is both a political and civil right.

The example given by Spratt fully supports this assertion—“but there is another unity which would be most advantageous to our country, and that is your endeavor, a civil political union in the whole nation.”



The definition and description necessarily include the right I claim; but let us see what is the definition of that word "right." After giving other significations, Dr. Johnson proceeds to the third sense of "right," which is "claim," and he follows it by others, such as: "that which justly belongs to one,"—"property, interest,"—"power, prerogative,"—"immunity, privilege,"—in short, there is not one of these significations that is more comprehensive than I desire it to be. He inserts the following example of Sir Walter Raleigh, of "just claim." "The Roman Catholic citizens were, by the sword, taught to acknowledge the Pope their Lord, though they knew not by what right." This is a plain definition and description of civil right. It cannot mean "franchise," because franchisement has already been included—it cannot mean "property," because property is included in the twenty-third section of the act, which requires no oath at all for enjoyment of it:—from and after the passage of this act, no oath or oaths shall be tendered to, or required to be taken by, his Majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property." Thus, then, "civil right," in this act, does not mean property; it does not mean franchise, but it means, a just claim, a political privilege, an immunity of any kind whatever. Common sense here shows what the law sanctions—that by civil right, necessarily must be included the right to sit and vote. Another observation is, that this section relates to the time and manner of taking the oaths; but suppose I were to concede that no time and manner are expressed, yet the civil right being granted under the oaths directed, and the time and manner being the only condition, necessarily would supply the condition. We have in the nineteenth section the mode of taking the oaths for corporate offices, and in the twentieth, the time and manner of taking the oaths for their offices; but I will not detain the House upon that point, because in the twenty-third section the Legislature has wisely provided for the case. It declares:

"That the oath herein appointed to be taken and subscribed in any of the courts, or before any of the persons above-mentioned, shall be of the same force and effect, to all intents and purposes as, and shall stand

in the place of, all oaths and declarations, required and prescribed by any law now in force for the relief of his Majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties."

However, as there is no punctuation in acts of parliament, I shall not trouble the House with any special pleading on particular words, but come to the remaining and distinct portion of the section :

"And the proper officer of any of the courts above mentioned, in which any persons professing the Roman Catholic religion, shall demand to take and subscribe the oaths herein appointed and set forth, is hereby authorized and required to administer the oath to such person : and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed."

There is the time, and that time is when it is demanded. The courts are also specified, viz., the King's Bench, Common Pleas, Exchequer, and Chancery. The time is as universal as the benefit of the statute was intended to be, and everything is complete to my purpose. The objection vanishes, because the time is as extensive as can be demanded. I have taken that oath in one of the courts named. I am ready to prove it. I produced the certificate at the table ; and having taken that oath, and produced that certificate, I turn round and ask, why am I not allowed to exercise my rights ? Let it be remembered that my case cannot be drawn into precedent ; it can never occur again ; and I ask the House, in construing the act, whether it intends to make it an outlawry against a single individual. If the act were meant to meet my case, why was not my case specified in it ? It existed when the act was passed : it was upon the records of the House, for a committee had sat while the bill was pending, and had given in its report upon oath. Why, I ask again, was not my case specified ? Because it was not intended to be included ? Where, then, is the individual who would think it ought to be included ? Let me call the attention of the House to the recital of the statute.

"Whereas, by various acts of parliament, certain restraints and disabilities are imposed on the Roman Catholic subjects of his Majesty, to which other of his Majesty's subjects are not liable, . . ."

It includes all restraints and disabilities affecting Roman Catholics ; and proceeds—

“ And whereas it is expedient that such restraints and disabilities shall be henceforth discontinued ; and whereas by various acts, certain oaths and certain declarations, etc., are or may be required to be taken, made, and subscribed by the subjects of his Majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights ; Be it enacted, etc., that such restraints and disabilities shall be from henceforth discontinued.”

All are to be discontinued. What do I claim ? That they shall be discontinued. It is a maxim of law that the recital of statute shall not control the enactments ; but with this qualification, that although a particular recital cannot control a general enactment, there is no rule of law that a general recital shall not explain a particular enactment. But I have a general recital, and a general enactment too, in my favor.

If to sit and vote be not a civil right, what civil right was intended by the word, for every other is provided for ? Why should this be excluded ? Look at the recital and look at the intention of the statute, and shall I then be told that a doubt can arise as to the right to sit and vote ? If I have not that right, what is to be done ? Is the statute of Charles II., enabling the House to exclude me, still in force ? What is to become of me ? Am I to remain the representative for Clare ? Will the House not let me in, and is not able to turn me out ? What, I ask again, is to become of me ? The statute of Charles II. imposed penalties for not taking the oaths and signing the declaration : among others there was a pecuniary penalty, and it continued in force until the union with Ireland. The first question I would ask the lawyers of the House then is this : Did the Union Act continue those penalties ? I take upon me to say it did not. Then, I ask, can any penalty or punishment be continued on a free-born British subject, when an Act of Parliament, like that of the Union, is silent, and contains no enactment as to penalty ? That is a question of constitutional law ; and if I were sued to-morrow for the penalty of five hundred pounds, I should, of course, instantly demur. If I am right in that position—if the penalty of five hundred pounds could not be recovered, shall the greater inflic-

tion remain? When courts of justice would refuse to enforce the fine, shall this House take the law into its own hands and deprive me of what ought to be more precious—the right to sit and vote as the representative of a divided, a disinherited, and, I had almost said, a martyred people.

The Union statute, I apprehend, would alone be sufficient; but I do not stand on that merely. This Relief Bill has abolished the oaths and Declaration, and abolished with it the punishment for not taking the one and subscribing the other. If the Declaration be abolished, does the pecuniary penalty remain? I answer, no. And if the pecuniary penalty do not remain, does the heavier penalty of exclusion continue? Certainly not; and I respectfully submit to the House that it has not now jurisdiction to prevent the exercise of my civil right of sitting and voting here. I acknowledge that I should take the oath prescribed by the Relief Bill; and then let any individual, by favor of justice, bring an action against me, and if the court should determine that I ought to pay the penalty of £500, my exclusion follows as a matter of course. The House should consider that this is a large and comprehensive enactment; and I ask why the House should interfere in my case, and not leave it to the courts of justice? I do not want this House to yield its privileges to the decision of any court or tribunal in existence; but I wish to show that the House, by deciding with me, could not preclude anybody from trying the question legally. It is to put my case into that transfer of decision that I am arguing here: that is the utmost I struggle for. The question is: Is it not my right on this return to take the seat to which I have been duly elected by the people? Is the question free from doubt? If there be a doubt, I am entitled to the benefit of that doubt.

I maintain that I have a constitutional right, founded on the return of the sheriff and the voice of the people; and if there be a doubt on the subject it should be removed. The statute comes before us to be construed from the first clause. I did—and I am not ashamed to own it—I did defer to the opinion of others, and was averse to calling for that construction; and if it had not been for the interest of those who sent me here, my own right should have been buried in oblivion.

But now I require the House to consider it. Will you decide that a civil right does not mean a civil right? And if this case of mine be not excepted, will you add it as an additional exception? It might have been said by some of those who supported the bill, that it was intended by that measure to compensate a nation for bygone wrongs, and to form the foundation stone of a solid and substantial building, to be consecrated to the unity and peace of the empire. But if what is certain may be disturbed—if what words express may be erased—if civil rights may be determined not to be civil rights—if we are to be told that by some excuse, or by some pretext, what is not uncertain may be made so—we shall be put under an impossibility to know what construction we must hereafter place on the statutes. I have endeavored to treat this House with respect. My title to sit in it is clear and plain; and I contend that the statute is all comprehensive in its intention, in its recital, and in its enactments. It comprehends every measure and principle of relief, with such exceptions as are thereinafter excepted. But while I show my respect to the House, I stand here on my right, and claim the benefit of it.



## SPEECH AT THE SECOND CLARE ELECTION.

[MR. O'CONNELL arose and placed his hand several times upon his breast during the acclamations, evidently under the influence of powerful emotions.]

I accept the trust, not with any presumptuous confidence in my own abilities, but simply with an honesty of intuition, and purity of motive. We have procured Emancipation, from the moral condition of the people, from that high enlightenment they had acquired from their submission, their obedience to the laws, from their respect to the many ordinances of man and laws of God.

It was impossible that that measure could be any longer withheld—but I complain of the results of that measure; I

complain that since it has passed, four months have now elapsed and there has not been an effort employed on the part of the government, nor any disposition manifested to do away with the distinctions which then existed and which still continue to exist in the country. No, they are still kept alive as much as ever, and up to the period at which I now speak, there does not appear a single Catholic who has derived the least benefit from the measure. In speaking of your having elected me now, I shall still point out to you—I feel it my duty to do so—the injustice which has been done to you and me when the last election was made the subject of discussion in the House, and I must say that it has anything but my respect or submission upon that occasion. I heard the insolent opinion of the speaker pronounced, and, though I am well aware of the little and contemptible motives by which he was actuated; although I am well aware that they are of that description which the character of the sex from which they emanated should consign to silence, I shall not say anything more about them now, but the time shall come when with your voice I will bring this matter forth. Upon that occasion, too, I have to complain of the conduct of a certain profession, a profession to which I once considered it an honor to belong. I allude to the profession of the bar.

The bar, in my opinion, have disgraced themselves in the discussion of my case, before the House of Commons. I put forward, upon that occasion, my opinions as to my right to sit and vote. I proved my right to sit and vote by the existing law. There was not one who came forward either by pamphlet or letter to contradict my statement. If they had done so in print, I would immediately have annihilated them. Mr. Sugden committed one of the most egregious errors that ever a lawyer of any country was guilty of, upon that occasion. Mr. Tyndal waited, and in a dry, hum-drum form of a speech in parliament, opposed me. It was a poor, miserable attempt at a speech, and this man has since become the Lord Chief-Justice of England. That country is to be pitied that has such a judge. It is melancholy to reflect that elevation can be easily procured by abandonment of principle. There was another who opposed me—Mr. Sugden, one who has lately made him-

self very remarkable by some ridiculous observation, but whose name has not been introduced to-day. He committed an egregious blunder, and I nailed it to him. The first who opposed me, has since become a Chief-Justice, whilst another has been appointed his Majesty's Attorney-General for England.

I cannot express the sentiments of abhorrence and contempt I entertain for the opinion pronounced by Sir James Scarlett. He was favorable in opinion to me, so much so that Mr. Hutchinson, the member for Mallow, and others, told me they were convinced by the reasonings of Sir James Scarlett; yet this man afterwards voted against me. Thus I was put down by parliamentary magic and two lawyers, both of whom are promoted, and one of whom advocated my cause at one period. I must, however, do justice to that portion of the profession who acted nobly, consistently, and honorably. I cannot be unmindful of the splendid aid of Henry Brougham, that man of unrivalled talent, who possesses more information than any other man I ever met. Oh, yes; it gladdens my heart to reflect that I had such a man at my side, the brightest ornament in the British House of Commons, the statesman, the orator, the lawyer, the man of science, and the philosopher. There were others too who supported me. I cannot omit the names of Duncannon, Ebrington, of Rice, of Lloyd.

[Yes, and said some individual, the Knight of Kerry.]

Oh; as to the Knight of Kerry, I hardly consider it a debt I owe him, to enumerate his distinguished name, one of the most honest men who ever entered into the House of Commons. There were also many who supported me among the high families of England. The illustrious name of Grey can never be forgotten by me. I had his distinguished support. The decision, notwithstanding all, was against me. It was a decision in the face of the law. I told them so before the bar of the House—that there was an injustice done me, and an injustice in my person done to you. As far as I am concerned nothing shall prevent me tearing away the veil and showing the administration in all its naked deformity, for the purpose of saving the country for the King and the people. I shall

next allude to the destruction of the Catholic Association. It certainly reminds me—in truth it does, of the immortal Alexander, who “twice had slew the slain,”—it was a most unnecessary measure, for the Association had previously performed a virtual suicide. It was frightful to consider the consequence of that act; it is a despotic power put into the hands of the Viceroy, and I complain of it because it bears, without distinction, upon all classes. I shall not be one fortnight in the House until I call for its repeal. I shall demand, too, the repeal of that act which deprived the virtuous forty-shilling freeholders of their franchise—an act which robbed two hundred and fifty thousand of the elective franchise in one day.

The disfranchisement of the forty-shilling freeholders was a breach of the Union. It was the basis of the Union that the country should be represented by the forty-shilling freeholders among the constituency of the country, for the purpose of placing the representation of both kingdoms upon an equalization; that equalization was now destroyed—the basis of the Union was therefore destroyed, and the measure was grossly violated in this instance. Standing here now, as I do, for the first time, the undisputed member of the county of Clare, I pledge myself to have those virtuous men restored to their rights. As a favorable result of emancipation, and a disposition to dispense justice, the Ministry point, no doubt, to the late proclamation for the dispersion of Orange assemblies. I will admit this, but I am at liberty to canvass this proclamation; it came a week just too late. I went, about a week before the fatal occurrence which called it forth, to Lord Levison Gower, and told him my apprehensions; I told him I feared, if some timely and salutary measures were not taken, that sixty individuals, at least, would fall victims to Orange butchery. In a week afterwards the proclamation is issued; it reminds me of the familiar adage, that “he was a good servant who locked the stable door when the steed was stolen.” His master had certainly good reason to congratulate himself on the services of such a servant. There was no proclamation as long as the people lay quiet, as long as they laid themselves down to the fury of the Orange gang, as long as they patiently submitted to the sword; as long as all this continued



there was no proclamation; but when the battle of Mackeon took place, which was gallant and victorious to the Catholics, then the proclamation was issued.

I shall now address you on a subject more closely allied to your feelings, and I address you with pain, as I have to allude to myself. What, I ask, can I do for Clare? I will tell you what I can't do, I cannot provide any one among you with place, pension, or office. I cannot meet the expectation of any one in this way. I don't care what the administration may be, I shall always be like the shepherd's dog, watching to mark where the rights and liberties of the people shall be infringed upon, to sound the alarm, to protect them from danger. The first object to which my attention shall be directed, is to hold out the olive branch of peace to all—to reconcile the temporary separation between landlord and tenant—to engender those kindly and affectionate feelings between those respective classes which ought forever to exist, and, if possible, ought never to have suffered estrangement or alienation. Upon the occasion of the last election, there were many and many who opposed me, who are now disposed to give me their support—and there were many who were actuated in that opposition by the most honorable motives. There is Mr. Vesey Fitzgerald, too, of whom I can scarcely speak in adequate terms of eulogy. I should be base, indeed, if I did not bestow upon him the commendations he deserves. The Catholics turned him out of the county, and the revenge which he practiced, was one of the best speeches I ever heard in their favor. It was one of the greatest instances of generosity, which I ever before witnessed. I consider Mr. Vesey Fitzgerald one of the ablest men in the cabinet, and if he were not encumbered with a certain peculiarity approaching to diffidence in his own powers, frequently the companion of great merit—he would be the first man in the cabinet. I shall now turn to my public duties, and it may be asked, what are my qualifications? I say it unaffectedly, I am no orator. I am a "plain blunt man," who speaks the plain language. My forensic habits have given me a facility in delivering my sentiments as they occur to my mind, without humming, or having to look for a better word. I have no pretensions to poetry.

The Muses have never hovered over me with their zephyr-airy wings, or carried me aloft on those wild and ethereal voyages of fancy which are taken by her favorite votaries. I come, as I have said, to the House of Commons, a plain working man, with honesty of intentions—a man of business. That man must be an early riser who is up before me; and he must be a sober fellow who goes to bed with a more sober head than I do. When I go over to the House of Commons, it is my intention to be there from the moment that prayers begin until the moment that all the business is over. I will be the first in the House and I shall be last out. I will read every bill, every word of it. I come now, to what I consider my duties with regard to religion. If any question should come before the House on the subject of the discipline of the Established Church, I shall immediately walk out. I shall leave Protestants to deal with what leads to their own spiritual concerns. I should wish the same for myself, and I will do as I would be done by. But with respect to the temporalities of the Established Church, that is totally another subject. I should wish to bring about a suitable equalization of church property, not that thousands of curates should hardly have the means of subsistence, while the bishops were rioting in luxury. The former have only £75 a year, while many of the bishops have twenty thousand! The time is approaching when the system of tithes must be abolished. France is now comfortable in the abolition of its tithes. If no one will introduce the subject, I will introduce it myself. I know that I shall have more Protestants than any other class to join me in this measure. I shall endeavor to put an end to the perpetually returning litigation to which the Catholics and Dissenters are subject, by these primeval transfers of deeds, which were a consuming gangrene to both Dissenters and Catholics in their public charities. I shall endeavor to protect them by the law, free from litigation. I go into parliament for freedom for all men—Jew and Gentile, Heathen and Christian. I except, however, the subjects of that abominable monopoly, the East India Company, who still keep the abominations of the idol Juggernaut. I would leave those people to their superstitions, endeavoring to convince them by every reasonable argu-

ment, but I should neither support nor encourage them, nor support those who would do so either. I would place no limit to the freedom of the human mind. But I shall pass from these subjects, to those of much more interest.

Let me draw your attention to a system of oaths, a horrible system of oaths. There are no less a number of oaths required to be taken in various public departments than seventeen or eighteen hundred. There are a multitude of oaths in the excise, and I shall make it my business to call for a list of all the public oaths which are now required to be taken in various departments, for the purpose of having them abolished. I condemn the taking of oaths altogether. The next subject to which I shall call your attention is that of parliamentary reform. I consider that it is calculated to give security to property and safety to life. I claim, in a word, for the people at large a full and free representation. I profess myself a radical reformer. The voting should be by ballot, and carried on regularly in the parish in which each individual lived. I may be asked what are my sentiments respecting the duration of parliament. I will not quarrel much about that, but I am an advocate for full, free, and frequent parliaments. The parliament anterior to the year 1688 was triennial. For my part, in this particular, I must say I am much attached to biennial parliaments. From this subject, I shall now turn to that of the Repeal of the Union. I may be asked, shall I be able to effect this. Who would be believed if, two years ago, he should have been hazardous enough to say, that this day I would stand the unquestioned representative of the County of Clare? I know that in seeking the Repeal of the Union, I shall have the support of the Corporation of Dublin, however opposed to me upon other subjects.

I now come to that species of reform which is the object of my darling solicitude—the reform of law. The government should pay all the expenses; there should be no hireling advocacy. Prosecutors never see one another until they are brought into court, and their case comes on in the shape of a record. In every case of litigation, the contending parties should previously see one another, the judge explain the laws, and I have no doubt that under those circumstances a

mutual compromise and arrangement would take place before the parties would leave the court. There is one subject more to which I shall advert. I am the respecer of authority. If calumny assail the Throne, then private life cannot be secure. I have read with horror some details of a distinguished individual in the London newspapers. The story of Captain Garth, however, must come to light, and the Duke of Cumberland, I have no doubt, will be freed from the foul calumny with which he has been assailed. No—I shall not see the brother of my King attacked. I am no respecer of persons, but I will call for and demand investigation into this transaction. There is a moral progress at present in the world. There is no true basis for liberty but religion.



## SPEECH ON THE IRISH COERCION BILL.

HOUSE OF COMMONS, FEBRUARY 19, 1833.

I WISH for a few minutes to attract the attention of the House to the situation of my long afflicted and much oppressed country. I do so at the earliest opportunity, because I wish to express to this House of Commons the situation in which that country is like to be placed. I shall, as far as I can, suppress my emotions of indignation, and no longer follow my natural impulses. I shall not, whatever I may think, call the measure propounded for my country a bloody or a brutal one; but at the same time I wish to be distinctly understood not in any degree retracting the epithets which I have applied to the conduct of his Majesty's ministers. Whilst, however, I abstain from characterizing in harsh or strong language the proceedings of government, I do not in the least compromise my opinions or cease from holding them in abhorrence. There are injuries of that nature that are too degrading for description, and of too deep and vital consequence to allow of personalities or admit of personal considerations. I shall therefore abstain from both, and in discussing the subject which I am about to bring forward, I shall not only avoid personal but

local considerations, and hope that nothing except my accent shall on the occasion discover me to be an Irishman.

I stand up here not merely to defend Irish rights, but I speak as if I were speaking of English, Scotch, or universal liberty; in fact, it is as a defender of the last that I stand up to protest against certain proceedings which I understand are now in contemplation. Let it not however be supposed that oppression is the less abhorrent to me because I am less violent in manner, and least of all, it should not be supposed that a quietness of demeanor on the part of a people is an indication of a less determination of purpose. Death is preferable to oppression, and the people of Ireland, though tranquil, will not be the more submissive to the yoke which is to be imposed upon them. For my own part, the iron has not as yet entered into my soul; and notwithstanding the folly and the madness of the Administration, I have still a confiding hope in the integrity of the Reformed House of Commons. Before I proceed to the consideration of a measure, which has been introduced elsewhere, I wish to set myself right in regard to some statements, which have been made respecting me. It has been asserted that I encouraged certain tithe meetings, and that when I had called those assemblages together, I had shrunk from attendance. I here at once declare and solicit a denial, if it can be given, if there is any truth in this statement. In point of fact, there is no truth in it; there was not only no such thing, but there was no foundation for it; and any assertion more destitute of the semblance of truth was never made. The fact is, that I was not even in Ireland at the time of the meetings referred to, and could not by possibility have undertaken to attend; and if a Committee of Inquiry were granted to me, I would undertake to prove to demonstration, that the meetings of which I am said to be the originator, were got up by the friends of Lord Anglesea. I was, at the time, at the distance of three hundred miles from those meetings, and I appeal to this House whether it is fair to impose upon me the responsibility of meetings in which I had no concern. Over and over again have the acts of others been laid at my door, and without expressing any opinion upon the propriety of these meetings, I ask whether it is fair

to impute to me acts in which I have had no participation? I have been frequently calumniated when I only asked to be heard in reply. I court investigation into my conduct, and I defy the most rigid scrutiny. Enough, however, of this subject; I have something more important to attract the attention of the House; important, though it bears the marks of drivelling old age, and the total absence of a manly character.

It would probably be thought that some of the measures of government were of a healing and salutary nature, and that ministers had shown that they were well disposed toward Ireland.

Let the House recollect what the ministers have done. They have indeed boasted of their church reform, and, as far as that goes, I accept it as a boon. What is it after all? The slight benefits it confers are prospective. It holds out no present advantages. True, it was a boon as far as the vestry cess, which, according to the statement of the noble lord, was sixty or seventy thousand pounds a year. The noble lord, in stating that as the amount of the vestry cess, stated also that the income of the clergy was about seven hundred thousand pounds. Did the noble lord, did any person who knew anything about Ireland, think or believe that the vestry cess amounted to one tenth of the income of the Protestant clergy of Ireland? Let me, however, not be misunderstood. I accept that boon and accept it gratefully, trifling as it is. At the same time, I wish the House to know that it is only a small relief from large and vexatious grievances. I do not retract one expression of approbation at the measure of the noble lord, not because I think it of any benefit, but because I recognize in his mind a good principle. It recognized this, that the state had a right to dispose of church property, and it incidentally admitted that the church establishment was disproportioned to the wants or wishes of the country.

The noble lord had announced to the House that he meant to reduce a certain number of bishops; but that reduction did not embrace any lessening of the amount to be paid to the establishment. What could be more ridiculous than offering that as a boon which in no way lessened taxation? The farmer, under the measure, would not have to pay less of tithes,

nor would the peasant have to pay a less contribution of his potatoes. Some few nights since, the right honorable Secretary for Ireland, had expressed himself in terms of kindness towards the Irish, and without scrutinizing the motives of the right honorable Secretary, I received those expressions with grateful emotion. I advert to this for the purpose of showing that I consider the present measures, not as the acts of the right honorable Secretary, but as those of the government, and upon that government I was at once disposed to throw the whole responsibility. With that government I shall at once grapple, and though I may be laughed at, I will still appeal to the House of Commons, and until they have betrayed themselves, I shall never believe that they will consent to any act which would annihilate every trace of public freedom. Would they allow such a measure as now propounded to be enacted for England or for Scotland? Certainly not. Why then tolerate it for Ireland? This was, however, a matter for the consideration of the House of Commons; and in rising upon this occasion, my object is more to elicit the opinions of others than to express any of my own. The Irish are often reproached with acrimony, and perhaps there is some truth in the observation. But that is foreign from the subject: and even if true, the question is, is there any ground for the acrimony? However, there is another question; the real one is, whether this House is pledged to adopt coercive measures towards Ireland? True it is, they voted for the Address, but they were not therefore pledged to any particular line of coercive measures; and I, for one, can never believe, until I see it, that a reformed House of Commons will, by supporting a government, vote for the degradation of the Irish people.

The House has gone a great way in supporting ministers, but they will halt when the progress of government is toward despotism. And I would repeat that the government will never be supported in any measures that will tend to Irish degradation. The Under Secretary of the Treasury had, in some calculation which he had brought before the House, attempted to show that the connection between England and Ireland was most beneficial to the latter, and he flung back upon me the imputation of having misrepresented the views of government.

The Under Secretary flung back, with apparent indignation, my charges that the government meant to supersede the Constitution and suspend the Habeas Corpus Act. Now, I ask the House whether I was right in my anticipations. If I was right, the Under Secretary is now bound to come forward and support me.

Is there any intention of suspending the Habeas Corpus Act? Is there any intention of subverting the constitution as far as regarded Ireland? Perhaps there is not; if so, I am certainly in error. But I am right. I call upon the Under Secretary, instead of pronouncing me a calumniator, to come forward and support me. However that may be, I will state this much: that the measure which I understand is in contemplation, is bottomed on the most glaring and notorious falsehoods. It is but a sample of the many acts of Whig treachery which have been practiced towards Ireland. It is one of those black and gloomy spots which indicate Whig ascendancy. That faction has always been hostile and faithless to Ireland. They were in power when Limerick surrendered, and the conduct of the brave men who commanded that garrison presented a striking contrast to that of the Whigs. On that occasion a convention was signed, and immediately afterwards a French armament appeared in the bay and proffered assistance to the garrison; but the brave and gallant army, who had once plighted their honor, refused their assistance and stood firm to their honor. They had signed the treaty, and from their signatures they would not depart. Yet, these were the people upon whom the Whigs attempted every atrocity. They are to be subjected to martial law and to be deprived of every indemnity in case of false accusation. They cannot even appear at prayer meetings, and in case of any charge against them, they are not to be tried in their own counties, but the venue is to be changed.

MR. C. W. WYNN rose to order. I wish to know whether it is competent for any member in this House to refer to proceedings elsewhere; whether, in point of fact, those proceedings might, or might not, come under their notice.

MR. O'CONNELL.—I have cautiously abstained from alluding to proceedings in another place, and merely supposed that



such proceedings were in contemplation. The King's ministers are reported and believed to intend to introduce into the House certain measures.

The SPEAKER said there could be no doubt that what the right honorable gentleman said was strictly in accordance with the rules of the House ; but the question to be considered was, did it apply to the course of observation pursued by the honorable and learned member ? It was not only contrary to the rules of that House for any honorable member to discuss a measure only before the other House of Parliament, but it would be extremely inconvenient. The great difficulty, however, the Chair felt in all such cases, was, to know whether the honorable gentleman was merely alluding to matters of notoriety or to measures generally, or by him attributed to government, or whether he was alluding to a particular measure before the other House ? He was quite sure that what had fallen from the right honorable gentleman was perfectly in consonance with the rules of the House ; and he was also quite sure that it would also have the effect of putting the honorable and learned gentleman on his guard, and prevent the possibility of his infringing upon those wholesome regulations.

MR. O'CONNELL.—The courtesy and distinctness of the decision of the Chair must ensure my prompt and perfect compliance. I say, then, that I speak not of what has occurred in another place. But my course of conduct is this:—his Majesty's government ask the House of Commons to confirm a vote of supply for three thousand pounds ; and I take this opportunity to call the attention of the House to the policy of government. Further, I attribute to that government certain schemes, to which I feel it necessary to call attention, as in voting supplies the House sanctioned the conduct of government. One of the schemes with which I charge the government is, an intention to change the venue.

I am sorry the honorable member with the flourishing constituency, the honorable member for Leeds, is not in his place, or else I would call upon him to describe this change of venue. The honorable member had alluded to the subject, and had said that Ireland indeed would have had a grievance had

the Catholics of the south been subjected to a change of venue as the Americans were. But what did the ministers now intend? Why, to send the Catholics of the south before what the honorable member for Leeds calls the prejudiced Orangemen of the north for trial. Oh! I thank the honorable member for Leeds for his allusion to what was one of the great grievances of Massachusetts, a grievance which drove it not only to rebellion, but to revolution, for be it remembered, the struggle with the parent country was not always fatal to the resistant? There are times when wrong is heaped upon wrong till at length the oppressed, out of its very weakness, becomes strong and achieves a victory which sanctifies acts that had otherwise been rebellion. But what was one of the grievances that drove the Americans to revolt? Why, they complained that the American was taken from his own country and his own tribunals, to be tried in England. To take a Catholic from Ireland and to try him in England, before an English jury, would be, judging upon analogy, such an act as the Americans were justified in resisting, and as the high-minded reformers of England would never sanction. This is one of the measures I accuse the government of intending to introduce, and I call upon the reformers of England to say whether they will comply with and give their voice for the enforcement of so iniquitous a proceeding.

The grievance the Americans complained of was nothing to that with which Ireland is threatened. The Americans were taken from their own country, it is true, but they were tried by juries and by the judges of the land. See the scheme that was proposed for Ireland. It was to be in the Lord Lieutenant to declare any district in a state of disturbance; it was to be in the power of one man to outlaw Ireland or any part of it, and the part so outlawed was to be subject to military tribunals. The law of the land was to become a dead letter at the dictum of a single man, Habeas Corpus was to be of no effect, and even the ears of parliament were to be closed against the appeal of the oppressed. The honorable member for Oldham, whose excellent sense had enabled him to mark out a safe and wholesome course of proceeding, has complained of the use of professional terms and phrases unintelligible to

the general listener. The complaint is just. Therefore in this case let them not hear any more about the suspension of Habeas Corpus, but rather let them hear that one man is to have the power of imprisoning whom he chooses in Ireland. Such is the fact. And a man being imprisoned, by whom is he to be tried? By the judges of the land and juries? No such thing. But by five military officers, who have each held a commission two years. Yes, there was another provision, the officers must be above twenty-one years of age.

[On Mr. Shiel prompting Mr. O'Connell, Mr. Stanley rose to order.]

MR. O'CONNELL.—The right honorable gentleman had risen to call him to order, and instead of doing so had forestalled him by a reply. Oh! let Ireland at least be heard; let her have fair play. If Ireland is to be gagged, let it not at least be without a hearing.

THE SPEAKER said he felt himself called upon to interrupt the honorable and learned member. Nothing could be clearer than that it was disorderly for any honorable member to go into the details of a measure not before the House, but before the other House of Parliament. He had before stated that to be the case, and he had done so the rather because when before called upon to maintain order, the honorable and learned member had not arrived at the point he now noticed as irregular, although there might be reason to apprehend he would do so. The honorable and learned member had now gone into that detail, and if it was not meant as having reference to some measure before the other House of Parliament, but was to be taken as a mere supposition, he left to the honorable and learned member to say how much it would assist his argument.

MR. O'CONNELL.—I will obey the injunction of the chair. I speak upon supposition. I attribute to the government, whether right or wrong—if wrong I shall be contradicted—I attribute to the government, nay, to the noble lord (the Chancellor of the Exchequer)—for to avoid even the appearance of personality, I will not mention the right honorable secretary (Mr. Stanley)—I attribute to the noble lord an

intention to introduce as a minister to the Crown, a measure to enable five military officers to dispose of the liberty, if not the lives of such of his Majesty's subjects in Ireland as the Lord Lieutenant chooses to send before them. Nay, a majority of five members are to have that power. I am not surprised at the sentiments of the right honorable secretary. It is but natural for the right honorable gentleman to shrink from any participation in so monstrous, so horrible a scene. Never was a plan more strongly marked with despotic boldness and tyrannical determination than this. But can it be? Is it possible that his Majesty's government will dare to propose to a British House of Commons to give to three military officers the power of destroying the liberty of the people of Ireland? Is that a plan for an English nobleman to originate, and for an English House of Commons to sanction? But is that all? Oh, no!

The Americans complained of the venue being changed from America to England, but the Americans were tried by the judges of the land and by juries. Such is not to be the case with my countrymen. No, they are to be handed over to a military tribunal of three officers. And what is the character of this tribunal? I admire the British army. A braver never went into the field. I admire, too, the character of the officers in private life. They are humane, enlightened, kindly. But what are the military tribunals to do? How may they not be composed? If three ensigns or three lieutenants formed a majority of one of them, would they venture to exercise their judgments in opposition to the wishes of government? They dare not. If they did, they would be dismissed the service. The tribunal projected was open to every influence in the way of patronage and interest that could take from it the character of impartiality or justice; and it is to such a tribunal that the King's subjects in Ireland are to be delivered over, bound, fettered, and gagged. Nay, more, to such a tribunal is to be given the power of punishing men for not giving evidence. Oh, let honorable members call to mind the scenes under a similar but not so atrocious system. I remember one trial which occurred in 1798. Upon it a poor wretch named Grady was called as a witness, and the trial took place in Kerry. By-

the-by, it is a fact worthy of notice, that in 1798 there was little or no disturbance in the great Catholic counties. In Galway there was no disturbance, in Kerry but one, in Cork and in other Catholic counties, all was peace. But with respect to Grady; he was called before one of these tribunals to give evidence, and his answer not being satisfactory, he was ordered out and to receive one hundred lashes. He received them, and was again brought before the tribunal. To the same question he made the same answer, and he was ordered to receive a second one hundred lashes. He did receive them, and was brought in a third time. The same question was repeated, and a third time he gave the same answer. He was ordered out to receive a third one hundred lashes, and while the punishment was being inflicted, he fainted almost to death. He was not brought up again. Will the House forget that such scenes as that have occurred before a military tribunal? Are we, with such horrible facts on record, to have Court Martial in Ireland?

It will not be necessary before a Reformed Parliament, and in the nineteenth century, to do more than to point out such atrocities to bring on their universal execration. I charge the noble lord with this—intending to introduce a bill which is to be a selection of all the bitterest parts of all the severest acts ever passed for the coercion of Ireland. I would ask the noble lord this—Is it not a part of your plan to render the military tribunals irresponsible to the law? I repeat—it is to the British Parliament in the nineteenth century I am calling attention to such monstrous matters. Will this parliament desert Ireland? Ireland has stood by England in the great fight for reform, and should not England now stand by Ireland when it implores and demands that every particle of the life and spirit of the constitution shall not be destroyed?

I will not now go further into details. It must be unnecessary for me to do so. I have said enough to excite the interest of any lover of liberty who has heard me, or it is not in the power of language to do so. I demand for my country that the constitution shall not be suppressed—that the constitution shall not be frittered away by unknown private witnesses. Before Ireland is menaced with even the semblance of liberty,

let her at least be heard, let her meet her accusers face to face, and in the light of day. If Ireland is to be deprived of the constitution, and of her liberties, at least let her be heard in her defence. According to the plan of the ministers, Ireland is to be dumb; that great and important privilege, the right of petition, is to be suppressed. Will England inflict upon Ireland so iniquitous a wrong?

[The honorable and learned member, after thanking the House for the patience with which they had heard him, concluded by entreating the House, by an expression in favor of an inquiry, before the exaction of measures of severity, to entitle themselves to the eternal gratitude of the Irish people.]

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#### SPEECH AT MULLAGHMAST MONSTER MEETING, SEPTEMBER, 1843.

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I ACCEPT, with the greatest alacrity, the high honor you have done me in calling me to the chair of this majestic meeting. I feel more honored than I ever did in my life, with one single exception, and that related to, if possible, an equally majestic meeting at Tara. But I must say that if a comparison were instituted between them, it would take a more discriminating eye than mine to discover any difference between them. There are the same incalculable numbers—there is the same firmness—there is the same determination—there is the same exhibition of love to old Ireland—there is the same resolution not to violate the peace—not to be guilty of the slightest outrage—not to give the enemy power by committing a crime, but peacefully and manfully to stand together in the open day—to protest before man, and in the presence of God, against the iniquity of continuing the Union.

At Tara, I protested against the Union—I repeat the protest Mullaghmast. I declare solemnly my thorough conviction, as a constitutional lawyer, that the Union is totally void in point of principle and of constitutional force. I tell you that no portion of the empire had the power to traffic on the rights

and liberties of the Irish people. The Irish people nominated them to make laws, and not legislatures. They were appointed to act under the constitution and not annihilate it. Their delegation from the people was confined within the limits of the constitution, and the moment the Irish parliament went beyond those limits and destroyed the constitution, that moment it annihilated its own power, but could not annihilate the immortal spirit of liberty, which belongs, as a rightful inheritance, to the people of Ireland. Take it then from me that the Union is void. I admit there is the force of a law, because it has been supported by the policeman's truncheon—by the soldier's bayonet—and by the horseman's sword; because it is supported by the courts of law and those who have power to adjudicate in them; but I say solemnly, it is not supported by constitutional right. The Union, therefore, in my thorough conviction, is totally void, and I avail myself of this opportunity to announce to several hundred of thousands of my fellow-subjects, that the Union is an unconstitutional law, and that it is not fated to last long—its hour is approaching. America offered us her sympathy and support. We refused the support but we accepted the sympathy; and while we accepted the sympathy of the Americans we stood upon the firm ground of the right of every human being to liberty; and I, in the name of the Irish nation, declare that no support obtained from America should be purchased by the price of abandoning principle for one moment, and that principle is, that every human being is entitled to freedom.

My friends, I want nothing for the Irish but their country, and I think the Irish are competent to obtain their own country for themselves. I like to have the sympathy of every good-man everywhere, but I want not armed support or physical strength from any country. The Republican party in France offered me assistance. I thanked them for their sympathy, but I distinctly refused to accept any support from them. I want support from neither France nor America, and if that usurper, Louis Philippe, who trampled on the liberties of his own gallant nation, thought fit to assail me in his newspaper, I returned the taunt with double vigor, and I denounce him to Europe and the world as a treacherous tyrant, who has violated

the compact with his own country, and therefore is not fit to assist the liberties of any other country. I want not the support of France; I want not the support of America; I have physical support enough about me to achieve any change; but you know well that it is not my plan—I will not risk the safety of one of you. I could not afford the loss of one of you—I will protect you all, and it is better for you all to be merry and alive, to enjoy the repeal of the Union; but there is not a man of you there that would not, if we were attacked unjustly and illegally, be ready to stand in the open field by my side. Let every man that concurs in that sentiment lift up his hand.

[Every individual in the immense multitude lifted his hand amidst tremendous cheering.]

The assertion of that sentiment is our sure protection, for no person will attack us, and we will attack nobody. Indeed, it would be the height of absurdity for us to think of making any attack; for there is not one man in his senses in Europe or America, that does not admit that the repeal of the Union is now inevitable. The English papers taunted us, and their writers laughed us to scorn; but now they admit that it is impossible to resist the application for repeal. More power to you. But that even shows we have power enough to know how to use it. Why, it is only this week that one of the leading London newspapers, called the Morning Herald, who had a reporter at the Lismore meeting, published an account of that great and mighty meeting, and in that account the writer expressly says that it will be impossible to refuse so peaceable, so determined, so unanimous a people, as the people of Ireland, the restoration of their domestic legislature. For my own part, I would have thought it wholly unnecessary to call together so large a meeting as this, but for the trick played by Wellington, and Peel, and Graham, and Stanley, and the rest of the paltry administration, by whose government this country is disgraced. I don't suppose so worthless an administration ever before got together. Lord Stanley is a renegade from Whiggism, and Sir James Graham is worse. Sir Robert Peel has five hundred colors on his bad standard, and not one of them is permanent. To-day it is orange, to-morrow it will



be green, the day after neither one nor the other, but we shall take care that it shall never be dyed in blood.

Then there is the poor old Duke of Wellington, and nothing was ever so absurd as their deification of him in England. The English historian—rather the Scotch one—Alison, an ar-rant Tory, admits that the Duke of Wellington was surprised at Waterloo, and if he got victoriously out of that battle, it was owing to the valor of the British troops, and their unconquerable determination to die, but not to yield. No man was ever a good soldier, but the man who goes into the battle determined to conquer or not come back from the battle-field. No other principle makes a good soldier—conquer or die is the battle cry for the good soldier; conquer or die is his only security. The Duke of Wellington had troops at Waterloo that had learned that word, and there were Irish troops amongst them. You all remember the verses made by the poor Shan Van Vocht:

“At famed Waterloo,  
Duke Wellington would look blue  
If Paddy was not there too,  
Says the Shan Van Vocht.”

Yes, the glory he got there was bought by the blood of the English, Irish, and Scotch soldiers—the glory was yours. He is nominally a member of the administration, but yet they would not entrust him with any kind of office. He has no duty at all to perform, but a sort of Irish anti-repeal warden. I thought I never would be obliged to the ministry, but I am obliged to them. They put a speech abusing the Irish into the Queen's mouth. They accused us of disaffection, but they lie—it is their speech—there is no disaffection in Ireland. We were loyal to the sovereigns of Great Britain, even when they were our enemies—we were loyal to George the Third, even when he betrayed us—we were loyal to George the Fourth, when he blubbered and cried when we forced him to emancipate us. We were loyal to old Billy, though his minister put into his mouth a base, bloody, and intolerant speech against Ireland; and we are loyal to the Queen, no matter what our enemies may say to the contrary. It is not the

Queen's speech, and I pronounce it to be a lie. There is no dissatisfaction in Ireland, but there is this—a full determination to obtain justice and liberty. I am much obliged to the ministry for that speech, for it gives me, amongst other things, an opportunity of addressing such meetings as this. I had held the monster meetings. I had fully demonstrated the opinion of Ireland. I was convinced their unanimous determination to obtain liberty was sufficiently signified by the many meetings already held; but when the minister's speech came out, it was necessary to do something more. Accordingly, I called a monster meeting in Loughrea. I called another meeting in Clifden. I had another monster meeting in Lismore, and here now we are assembled on the Rath of Mullaghmast.

At Mullaghmast (and I have chosen this for this obvious reason), we are on the precise spot where English treachery—aye, and false Irish treachery, too—consummated a massacre that has never been imitated, save in the massacre of the Mamelukes by Mahomet Ali. It was necessary to have Turks atrocious enough to commit a crime equal to that perpetrated by Englishmen. But do not think that the massacre at Mullaghmast was a question between Protestants and Catholics—it was no such thing. The murdered persons were to be sure Catholics, but a great number of the murderers were also Catholics, and Irishmen, because there were then, as well as now, many Catholics who were traitors to Ireland. But we have now this advantage, that we have many honest Protestants joining us—joining us heartily in hand and heart, for old Ireland and liberty. I thought this a fit and becoming spot to celebrate, in the open day, our unanimity in declaring our determination not to be misled by any treachery. Oh, my friends, I will keep you clear of all treachery—there shall be no bargain, no compromise with England—we shall take nothing but repeal, and a parliament in College Green. You will never, by my advice, confide in any false hopes they hold out to you; never confide in anything coming from them, or cease from your struggle, no matter what promise may be held out to you, until you hear me say I am satisfied; and I will tell you where I will say that—near the statue of King

William, in College Green. No, we came here to express our determination to die to a man, if necessary, in the cause of old Ireland. We came to take advice of each other, and above all, I believe you came here to take my advice. I can tell you, I have the game in my hand—I have the triumph secure—I have the repeal certain, if you but obey my advice.

[Great cheers, and cries of “We will obey you in anything.”]

I will go slow—you must allow me to do so—but you will go sure. No man shall find himself imprisoned or persecuted who follows my advice. I have led you thus far in safety; I have swelled the multitude of repealers until they are identified with the entire population, or nearly the entire population of the land, for seven eighths of the Irish people are now enrolling themselves repealers. [Cheers and cries of more power to you.] I don't want more power; I have power enough, and all I ask of you is to allow me to use it. I will go on quietly and slowly, but I will go on firmly, and with a certainty of success. I am now arranging a plan for the formation of the Irish House of Commons.—

It is a theory, but it is a theory that may be realized in three weeks. The repeal arbitrators are beginning to act—the people are submitting their differences to men chosen by themselves. You will see by the newspapers that Dr. Gray, and my son, and other gentlemen, have already held a petty session of their own, where justice will be administered free of all expense to the people. The people shall have chosen magistrates of their own in the room of the magistrates who have been removed. The people shall submit their differences to them, and shall have strict justice administered to them, that shall not cost them a single farthing. I shall go on with that plan until we have all disputes settled and decided by justices appointed by the people themselves. [Long may you live.] I wish to live long enough to have perfect justice administered to Ireland, and liberty proclaimed throughout the land. It will take me some time to prepare my plan for the formation of the new Irish House of Commons—that plan which we will yet submit to her Majesty for her approval, when she gets rid of her present paltry administration and

has one that I can support. But I must finish that job before I go forth, and one of my reasons for calling you together is to state my intentions to you. Before I arrange my plan the Conciliation Hall will be finished, and it will be worth any man's while to go from Mullaghmast to Dublin to see it.

When we have it arranged I will call together three hundred, as the Times called them, bogtrotters, but better men never stepped on pavement. But I will have the three hundred and no thanks to them. Wales is up at present, almost in a state of insurrection. The people there have found that the landlords' power is too great, and has been used tyrannically, and I believe you agree with them tolerably well in that. They insist on the sacredness of the right of the tenants to security of possession, and with the equity of tenure which I would establish, we will do the landlords full justice, but we will do the people justice also. We will recollect that the land is the landlord's, and let him have the benefit of it, but we will also recollect that the labor belongs to the tenant, and the tenant must have the value of his labor, not transitory and by the day, but permanently and by the year. Yes, my friends, for this purpose I must get some time. I worked the present repeal year tolerably well. I believe no one in January last, would believe that we could have such a meeting within the year as the Tara demonstration. You may be sure of this—and I say it in the presence of him who will judge me—that I never will willfully deceive you. I have but one wish under heaven, and that is for the liberty and prosperity of Ireland. I am for leaving England to the English, Scotland to the Scotch, but we must have Ireland for the Irish. I will not be content until I see not a single man in any office, from the lowest constable to the Lord Chancellor, but Irishmen. This is our land, and we must have it. We will be obedient to the Queen, joined to England by the golden link of the Crown, but we must have our own parliament, our own bench, our own magistrates, and we will give some of the shoneens who now occupy the bench leave to retire, such as those lately appointed by Sugden. He is a pretty boy, sent here from England; but I ask, did you ever hear such a name as he has got? I remember, in Wexford, a man told me he had a pig at home

which he was so fond of that he would call it Sugden. No; we shall get judicial independence for Ireland. It is for this purpose we are assembled here to-day, as every countenance I see around me testifies. If there is any one here who is for the Union, let him say so. Is there anybody here for the repeal. [Cries of "all, all," and loud cheering.]

Yes, my friends, the Union was begot in iniquity—it was perpetrated in fraud and cruelty. It was no compact, no bargain, but it was an act of the most decided tyranny and corruption that was ever yet perpetrated. Trial by jury was suspended—the right of personal protection was at an end—courts martial sat throughout the land—and the county of Kildare, among others, flowed with blood. Oh, my friends, listen now to the man of peace, who will never expose you to the power of your enemies. In 1798 there were some brave men, some valiant men, to head the people at large, but there were many traitors, who left the people in the power of their enemies. The Curragh of Kildare afforded an instance of the fate which Irishmen were to expect, who confided in their Saxon enemies. Oh, it was an ill-organized, a premature, a foolish, and an absurd insurrection; but you have a leader now who never will allow you to commit any act so foolish or so destructive. How delighted do I feel with the thorough conviction which has come over the minds of the people, that they could not gratify your enemies more than by committing a crime. No; our ancestors suffered for confiding in the English, but we never will confide in them. They suffered for being divided amongst themselves. There is no division amongst us. They suffered for their own dissensions—for not standing man to man by each other's side. We shall stand peaceably side by side in the face of every enemy. Oh, how delighted was I in the scenes which I witnessed as I came along here to-day! How my heart throbbed, how my spirit was elevated, how my bosom swelled with delight at the multitude which I beheld, and which I shall behold, of the stalwart and strong men of Kildare! I was delighted at the activity and force that I saw around me, and my old heart grew warm again in admiring the beauty of the dark-eyed maids and matrons of Kildare. Oh, there is a starlight spark-

ling from the eye of a Kildare beauty, that is scarcely equalled, and could not be excelled all over the world. And remember that you are the sons, the fathers, the brothers, and the husbands of such women, and a traitor or a coward could never be connected with any of them. Yes, I am in a county, remarkable in the history of Ireland for its bravery and its misfortune, for its credulity in the faith of others, for its people judged of the Saxon by the honesty and honor of their own natures. I am in a county celebrated for the sacredness of its shrines and fanes. I am in a county where the lamp of Kildare's holy shrine burned with its sacred fire, through ages of darkness and storm—that fire which for six centuries burned before the high altar without being extinguished, being fed continuously, without the slightest interruption, and it seemed to me to have been not an inapt representation of the continuous fidelity and religious love of country of the men of Kildare. Yes, you have those high qualities—religious fidelity, continuous love of country. Even your enemies admit that the world has never produced any people that exceeded the Irish in activity and strength. The Scottish philosopher has declared, and the French philosopher has confirmed it, that number one in the human race is, blessed be Heaven, the Irishman. In moral virtue, in religion, in perseverance, and in glorious temperance, you excel. Have I any teetotallers here? Yes, it is teetotalism that is repealing the Union. I could not afford to bring you together, I would not dare to bring you together, but that I had the teetotallers for my police.

Yes, among the nations of the earth, Ireland stands number one in the physical strength of her sons, and in the beauty and purity of her daughters. Ireland, land of my forefathers, how my mind expands, and my spirit walks abroad in something of majesty, when I contemplate the high qualities, inestimable virtues, the true purity and piety, and religious fidelity of the inhabitants of your green fields and productive mountains. Oh, what a scene surrounds us!—It is not only the countless thousands of brave and active and peaceable and religious men that are here assembled, but nature herself has written her character with the finest beauty in the verdant

plains that surround us. Let any man run round the horizon with his eye, and tell me if created nature ever produced anything so green and so lovely, so undulating, so teeming with production. The richest harvests that any land can produce are those reaped in Ireland; and then here are the sweetest meadows, the greenest fields, the loftiest mountains, the purest streams, the noblest rivers, the most capacious harbors—and her water power is equal to turn the machinery of the whole world. Oh, my friends, it is a country worth fighting for—it is a country worth dying for; but above all, it is a country worth being tranquil, determined, submissive and docile; for disciplined as you are in obedience to those who are breaking the way, and trampling down the barriers between you and your constitutional liberty, I will see every man of you having a vote, and every man protected by the ballot from the agent or landlord. I will see labor protected, and every title to possession recognized, when you are industrious and honest. I will see prosperity again throughout your land—the busy hum of the shuttle and the tinkling of the smithy shall be heard again. We shall see the nailer employed even until the middle of the night, and the carpenter covering himself with his chips. I will see prosperity in all its gradations spreading through a happy, contented, religious land. I will hear the hymn of a happy people go forth at sunrise to God in praise of his mercies—and I will see the evening sun set down amongst the uplifted hands of a religious and free population. Every blessing that man can bestow and religion can confer upon the faithful heart, shall spread throughout the land. Stand by me—join with me—I will say be obedient to me, and Ireland shall be free.

## MR. O'CONNELL'S SPEECH IN HIS OWN DEFENCE,

*At the Irish State Trials, 1844, in the Court of Queen's Bench, in Ireland, in the case of the Queen vs. Daniel O'Connell and others.*

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GENTLEMEN, I beg your patient attention, while I show you, in as few sentences as I possibly can, and in my own plain and prosaic style, the right I have to demand from you a favorable verdict. I ask it without disrespect and without flattery—I ask it on the ground of common sense and common justice—upon these grounds I demand your favorable verdict, being thoroughly convinced that I am plainly entitled to it. I do not feel that I should have been warranted in addressing you at all, after the many speeches you have already heard, and that powerful display of talent that so delighted, as well as I trust instructed you; but I do not stand here my own client. I have clients of infinitely more importance. My clients, in this case, are the Irish people—my client is Ireland—and I stand here the advocate of the rights, and liberties, and constitutional privileges of that people. My only anxiety is lest their sacred cause—their right to independent legislation—should be in the slightest degree tarnished or impeded by anything in which I have been the instrument. I am conscious of the integrity of my purpose—I am conscious of the purity of my motives—I am conscious of the inestimable value of the object I had in view—the Repeal of the Union. I own to you I cannot endure the Union; it was founded upon the grossest injustice—it was based upon the grossest insult—the intolerance of Irish prosperity. This was the motive that actuated the malefactors who perpetrated that iniquity; and I have the highest authority—the ornament for many years of that bench, but now and recently in his honorable grave—that the motive of this proceeding was an intolerance of Irish prosperity. Nor shall I leave that on his word alone. I have other authorities for it, with which I shall trouble you in the course of as brief, for I am exceedingly anxious to make as brief an address as I possibly can. I am not here to deny



anything I have done, or here to palliate anything that I have done. I am ready to reassert in court all I have said, not taking upon myself the clumsy mistakes of reporters—not abiding by the fallibility that necessarily attends the reporting of speeches, and, in particular, where those speeches are squeezed up together, as it were, for the purposes of the newspapers. I do not hesitate to say that there are many severe and harsh things of individuals, and clumsy jokes, that I would rather not have said, but the substance of what I have said I avow, and I am here respectfully to vindicate it; and as to all my actions, I am ready, not only to avow them, but to justify them. For the entire of what I have done and said was done and said in the performance of, to me, a sacred duty—the endeavoring to procure the restoration of the Irish parliament. If I had no other objection to it I would find one in the period in which it was carried—it was a revolutionary period. The nations of Europe were overwhelmed by a military power, inspired as it was by the infidel philosophy of France. At that period, almost every country in Europe was torn from its legitimate sovereignty—people were crushed—princes were banished—kingdoms and states were altered—it was a revolutionary period; but alas! a day of retribution and restoration has come for every other country but this. What has since happened has fortunately restored the natural, or, at least, the political order of things in other countries—every country has its day of retribution and restoration, save only Ireland. Ireland alone remains under the influence of the fatal revolution of that period, and you are assembled in that box to prevent justice being done to Ireland, as it has been to other countries.

This is not the time to discuss how you were put into that box—nor is this the place to get any remedy on that subject. I do not assert the Attorney-General had anything to do with that matter but what the law allowed him to do, and over which the court had no control. If wrong had been done, the remedy lay elsewhere; when, if right was violated, it will be redressed—but here I am put to address you, without either discourtesy or flattery, as to the species of tribunal I am about to offer my arguments. It is quite certain there is considera-

ble discrepancy of opinion between you and me ; there can be no doubt of that—there is a discrepancy on one subject, and one of the utmost importance—we differ as to the Repeal of the Union. If you had not so differed, you would not be in that very box. You also differ with me on another most important subject—and that is on the subject of our religious belief. If you had been of the same faith as I, not one of you would be in that box ; and these differences are perhaps aggravated by the fact, that I am not only a Catholic, but one who was most successful—and I can say it without boasting, for it is a part of history—in putting down that Protestant ascendancy of which, perhaps, you are the champions—certainly you were not the antagonists, and in establishing that religious equality against which some of you contended, and against which all of your opinions were formed. This is a disadvantage which does not terrify me from the performance of my duty. I care not what may be the effect as regards myself—I care not what punishment it may bring down—I glory in what I have done—I boast of what I did. I am ready to defend all I have succeeded in accomplishing. I know I am, gentlemen of the jury, in your power, but I know I am in the power of jurors of honesty and integrity, and I appeal to you as such. There are points on which we essentially differ. The first is the Repeal of the Union—and you are all aware of my former conduct respecting Catholic Emancipation. But you are there to administer justice—you are there to do what is right between all parties ; and while I remark these things, it is not because I despair of your doing me justice. I would, however, prefer not being harassed with the thought that by any possibility, either by the infirmity of human nature, or from any cause, other ingredients should enter in.

Gentlemen, I now have done with you. I pass on to the consideration of the case itself. I come to the prosecution. It is a curious prosecution—it is a strange prosecution—it is the strangest prosecution that was ever instituted. It is not one fact, or two facts, or three facts. No ; while that for which our criminal law is most lauded is the simplicity with which a particular fact is tried, so that the jury may be embarrassed from everything else—here it is the history of

nine months you are to go through—here you have a monstrous accumulation of matter flung before you; and I defy the most brilliant understanding that ever ornamented a court or jury to disengage what may be of importance from that which may induce an unfavorable result, but which ought not, legally, to do so. The great difficulty is, to bring such a quantity of matter before you. In doing so your memory fails; and it is worse than a failure, as it is apt to recollect what may be but strong and striking, while it may forget that which should make an important consideration—those parts which are explanatory and mitigatory.

I arraign this prosecution, not in the spirit of hostility or anger, but on constitutional principles—the impossibility of any jury so disengaging that mighty mass of matter now before it as to find out what was really the question to determine. Let me now see whether I can help you in that. I will endeavor to see how much of the affirmative there is in this prosecution, and how much there is of negative quality in it—that is, what it is, and what it is not. The entire strength of this prosecution consists in that cabalistic word, “conspiracy.” If I look to any dictionary for its import, or if I ask common sense, I find it means a secret agreement among several persons to commit a crime. That is the common sense view of it, as well as its dictionary meaning—a private agreement among several persons to commit a crime; but this word, in recent times, has been taken under the special protection of the bar. They have not only considered it an offence to conspire to commit a crime, but they have put two hooks into a line—so to divide the subject as both committal of crime that they spell out conspiracy in such a way as to attain that end. I do not think there is much of justice in the second branch, if at all brought into consideration, unless it was so clear and so distinct as to substantiate the offence.

We will now take this conspiracy; let us see whether there are any negative qualities in it as to the evidence produced by the Crown. It is admitted by the Crown itself in this case, that there was no privacy—no secrecy—no definite agreement whatever to bring it about—but, above all, there was no private agreement, no secret society, nothing concealed, nothing

even privately communicated—there was no private information; nay, not one private conversation—every thing was open, avowed, proclaimed, published. A secret conspiracy? which there was no secrecy about!—all lay openly proclaimed, and openly published—whether in the Dublin Evening Mail, or Dublin Evening Post, for all has been raked out of that secret abyss of all secret channels of communication, the public newspapers. Really, it is quite too harsh a thing for one to be called on to defend himself against a conspiracy so perpetrated, committed in open day, and committed by public announcement, with the ringing of bells, to know who would come as witnesses to the conspiracy. To be a conspiracy there must be an agreement; but whether private or not, that is another question, but I insist on it there ought to be something to conceal, and will admit that it should not be in the presence of the legal authorities, nor in the presence of her Majesty's Attorney-General, the Solicitor-General, or any of the learned sergeants. Really, see what a monstrous thing it is to call that a conspiracy which everybody in the world might know, and which all might witness. Some persons had formed the arrangements; it was occasionally attended by Mr. Such-a-one one day, and by Mr. Such-a-one another day; on the third day Mr. Barrett was there; Mr. Duffy once or twice, thus spelling out the affair in that way. In common sense, could it be endured that such should be denominated a conspiracy. A conspiracy! Where was this agreement made—when made—how was it made? Was it made in winter or summer—in spring or autumn? When was it attended—on a Sunday or a week day? Can you tell me the hour of the day, or the month, or the day of the month? Can you tell me any one of the three quarters of the nine months? Who was by, who spoke, who made the arrangements, who moved and seconded the resolutions?

Gentlemen of the jury, I appeal to your common sense—to your reason. Place yourselves for one moment in my position, and you were addressing a Catholic jury; look for one moment and see—how?—with what?—I will not say with indignation—but with what higher feelings of conscious integrity you would laugh with scorn the daring to find you guilty of a

conspiracy, under such circumstances. You have not in this case the slightest shadow of a concoction ; you have not one particle of that which should belong to a charge of this sort. I do not even know, from this proceeding, whether I was present at this conspiracy or agreement, either public or private. Ought I not, then, to have the advantage of an *alibi* ? If you were to run over the nine months of this conspiracy, it would be a kind of toss-up to know whether I was there or somebody else—to know who was there—and to find out whether this agreement was in writing, or whether it was a mere parole agreement. And I want also to know has any one told you ? If there were an action in the Nisi Prius Court, and you were the jury in the box, and that the question was one of plain contract, is there any possibility of your not finding a verdict on a contract which was given in evidence ? But here there is nothing of the sort. I remember it being once said to a judge by a lawyer—“ O, my lord, it would not be evidence on a ten pound promissory note, but it might be evidence in a criminal case.” Your lordship might have heard that such a thing was once said, but I will only say to you that it would not be evidence, as to the £10 contract ; they should get the definition—if right, I should be in the bill of particulars. Such a definition—an agency and conspiracy—and not be at last in the bill particulars. I do not mean to profit by the circumstance, but I say it is not in the bill of particulars ; and therefore if they had attempted to give it in writing, without giving it in the bill of particulars, they would undoubtedly have shut out from the beginning all evidence. Shall they escape your honest view on such a subject as that of consciences, and if there had been a conspiracy it would be proved, and that the only reason why it is not in all its details, and all its circumstances is because it did not exist. What are they to do ? The Attorney-General, forsooth, leaves it to you ; the agreement ought to be in reality ; it is an imaginary one, and you are to vote that the imagination is a reality, and find me guilty because you imagine.

I do not wish to speak disparagingly of the Attorney-General—no man is less inclined to do so than I am—on the contrary, my lords, I admit the ingenuity with which he stated

the case. I admit the talent he displayed, the industry he evinced throughout. He was eleven hours at it, eleven mortal hours. When did he tell you of the conspiracy? "Oh!" said he, "wait awhile, wait till I come to the close, and when I do come to the end, go back to the beginning, and find out the conspiracy;" and allow me to say, that if any gentleman could have found out the conspiracy, it would have been the Attorney-General. Yes, he did take eleven hours in throwing out that garbage to the jury. "There," said he, "is the Pilot, the Nation. Here are speeches and publications—now find out the conspiracy. The case is good enough for you to make out the conspiracy." I remember a case on the Munster circuit in which the celebrated Mr. Egan was engaged for the defendant. It was stated by Mr. Hoare, a gentleman of dark appearance, who made a very powerful speech on the merits of the case. Mr. Egan said—"Oh, I will make such another—I will." At once—"Gentlemen of the jury," he commenced. Now, he was sure of his jury, and all he wanted was an excuse for them. "Gentlemen of the jury," said he, "surely you will not be led away by the dark oblivion of a brow." One of the counsel who sat near him said, "Why, Egan, that is nonsense." "To be sure it is," was the reply, "but it will do for the jury." So the eleven hours are good enough for you. Oh! it is nonsense—it is criminal nonsense—to call that conspiracy which takes eleven hours in the development. Hardy was tried for constructive high treason. At the anniversary which always took place in celebration of the integrity of the jury, one who had been a jurymen in the case was in the habit of attending; when his health was drunk he always made the same speech, to the effect that he was not accustomed to public speaking, and in the course of such speech he would say—"Mr. Chairman, I will tell you why I acquitted Mr. Hardy. The counsel was eleven hours stating the case; there were eight or nine days occupied in giving evidence. Now I know that no man could be guilty of treason when the case could take so many words and such a length of time to prove, so I made up my mind to acquit."

Now what necessity could there be for the Attorney-General to ransack newspapers to make out a case of conspiracy

against the Crown? If the case were a good one, depend on it the Attorney-General has talent enough to tell you all in one hour and a half at the utmost. Give me leave to say—and by what I am about to state I mean to signify no disrespect to the counsel for the Crown—I consider myself, although I am not here with my wig and gown, a barrister still, and I have a fellow-feeling for the profession; but give me leave to say that the Attorney-General unquestionably would, could he have done so, have shown you the when, the how, the manner, he would have pointed out all the particulars. But what has he shown you? Nothing; and he leaves the case in your hands, thinking that it is quite good enough for you. There is no privacy or secrecy even imputed. You have nothing to conjecture—there is nothing supposed to have happened in private—nothing at all. The entire is before you, and, therefore as you know all, I say that there never was a case in which the Attorney-General so signally failed as in the present.

You may remember when this trial was about to commence; the whole country was full of rumors. It was said that something dark and atrocious would come out—that there was a clue to everything. Why, my lords, I do solemnly assure you that no less than seven gentlemen have been pointed out to me after this mode—“There is Mr. So-and-so, one who was seen with Mr. Kemmis’s officer.” “That man was at the Castle.” “That man is a barrister, whose office is not far distant from yours in Merrion Square.” “Don’t,” it was said, “associate with Mr. So-and-so; keep him at arm’s length; he is treacherous; he is betraying.” I repeat it, that no less than seven persons have suffered in their characters exceedingly by the allegation that they were in fault; the answer was—“They have nothing to betray—much good may it do them; they will invent.” Now, it is an acknowledged fact, that informers, who have nothing to tell, invent. Now I ask, after all the rumors which have been afloat, did you not every one of you expect, when you came here, to learn something—did you not expect to have some plot discovered—to hear of some secret organization—to hear some private conversation regarding these traversers given in evidence, influencing and altering

the nature of their public acts? If you were so fortunate as not to expect this, you certainly have not been disappointed; but if you entertained the expectation, was ever disappointment so complete and unmitigated? Go where you please, and you will hear it said, "Oh! is that all the Attorney-General has done? has he nothing more to say? We knew all that before!" A conspiracy! this is a conspiracy! Aye, gentlemen, what has become of the dark designs, the stratagems, the foul conspiracy, the government chimeras dire of the imagination? What has become of them? They are vanished. There is nothing new, nothing disclosed—there is nothing to be concealed. It would have been the duty, I don't deny it, it would have been the duty of the government to prove conspiracy if such a thing existed. Gentlemen of the jury, they had inclination to prove, but they could not. You perceive with what interest they forward every part of this case, but above all, the strong and striking interest they have in discovering evidence of real facts, of existing facts—with what interest they hunt out the conspirators, and follow them to their caves and recesses. Every power, all that influence, and wealth, and authority could do, has been exerted. The expectation of promotion has been ventured—promotion in the constabulary: every temptation held out, but all in vain—for one very plain and simple reason—there was nothing to betray, and you know that. Well, then, what is the evidence? If there was nothing new, let us see what the old evidence is. "The life," they say, "of an old coat is a new button." What does the evidence consist of? First, meetings; next, newspapers. They spell out an undefined conspiracy—that conspiracy existing in the imagination—a conspiracy without position or time; and to prove that conspiracy, they produce accounts of meetings and volumes of newspapers.

We will consider each of these consecutively. First of all, you allow me to make this observation, as there is nothing secret. I ask you what could tempt me, an old lawyer, to enter publicly into a conspiracy? I boasted that I kept the public free from the meshes of the law—I say that I boasted of this. You have heard the statement read at least twenty times. I boasted of preventing men from violating the law



Now, do any of you believe that, after this, I could enter into a public conspiracy? You might say, if there was something private—something secret, you might then say, “the old lawyer thought he would be secure of his co-conspirators;” but there is nothing secret. Under all all these circumstances you may, perhaps, have a more terrible opinion of me than those who I will venture to say know me better. You know me principally through the medium of the calumnies and abuse heaped upon me by those parties against whom I am opposed, but there is not one of you can consider me such a blockhead, such an idiot, as that I should publicly conspire to ruin the cause which is nearest to my heart—to ruin a cause which has been the darling object of my ambition—that I should ruin the prospect of that for which I refused to go on the bench, and the offer of being the Master of the Rolls. It is a question whether I did not refuse the Chief Baronship before ever it was offered—but there is no question that I did refuse the offer of the Mastership of the Rolls.

Gentlemen, I know that I have but a short time to labor in my vocation here, and that there is an eternity on which I must soon enter. I approach that judgment which cannot be long postponed, and do you believe that under such circumstances I would be guilty of that with which I stand charged? Ah, no, you do not think I would have the cruelty, the folly, to enter into such a conspiracy. You do not believe I would have the absurdity to enter into that conspiracy. As Irish gentlemen, put your hands to your hearts, and say do you believe it? I am sure you do not. Pardon me if I have made too free, but I will say there is not one of you can spell a conspiracy out of all that was laid before you during the eleven hours in which the Attorney-General was ringing changes on that word, going backwards and forwards, from meeting to meeting, and from policeman to policeman, in colored clothes and out of colored clothes—not one of you can believe that any such conspiracy ever existed. I proclaim, firmly, you cannot believe it. I know your verdict may imprison me, and shorten the few days yet before me, but it cannot take from me the consciousness that I am entitled to your acquittal, and that there is not a man of you who would

pronounce a verdict of guilty that would not himself be conscious of its being a—mistake. Perhaps what the Attorney-General wants you to believe is, that I was a conspirator without knowing it—that I fell into a conspiracy as a man falls into a pit might, without knowing it was there. This was in the open day. I saw the pitfall. Everything was clear, and if you believe anything against me, you must believe I was a conspirator without knowing it—a conspirator ignorant of conspiracy—and that is the question you are selected to try. In the technicality of law, I would say that even in that case there could be no guilt, for there can be no guilt without guilty intention: but I scorn to make points of law—as a matter of common sense this is plain and obvious, and, I trust I may say irresistible.

Oh, this is a curious invention—this sweeping conspiracy of the Attorney-General! It has been so powerfully put to you already that I shall not repeat it at any length, that there would be an end to every great movement for the amelioration of human institutions if you were to concede to the Attorney-General's conspiracy, which has neither been stated nor proved. It is a new invention made at this side of the water. Some exceedingly sagacious person here first dreamed of it; and you were to be put as it were into a sleep with this incubus—this imaginary conspiracy—conspiracy resting on your consciences and minds. But why was it not sooner invented? There was the slave trade—would that ever be abolished if the Attorney-General's doctrine of conspiracy had been enforced as law? Would it ever have been abolished if the judges of the King's Bench had given this doctrine of conspiracy the sanction of their authority? The advocates of the abolition of the slave trade had their public meetings, they had their monster meetings—they had their aggregate meetings—they had their private meetings; they published the guilt of the West India planters, and the cruelty of the slave-owners; they made themselves bitter, unrelenting enemies by so doing; for it is astonishing how much malignity arises from that inherent, unhappy propensity in man for power and authority. There never was a more formidable party than that which was

arrayed against the slave-owners. They might have looked in the newspapers, and found every species of guilt charged against them by Wilberforce and others. Why was not Wilberforce charged with conspiracy? That man who wrote his name on pages of the most brilliant history and humanities of men, who will be revered as long as worth, generosity, and piety are in the world. Oh! he might have stood, as the humble individual before you stands, accused of conspiracy, because he sought to put an end to the thralldom of the slaves. The venerable Clarkson, who is still alive, might also be charged with conspiracy, and thus rendered unsafe in his honored old age.

Ah! gentlemen, do not presume to interfere between humanity and its resources. Do not venture to arrest the progress of any movement for the amelioration of the institutions of the country. Do not attempt to take away from your fellow subjects the legitimate mode of effecting useful purposes by public meetings, public convassing—speaking bold truths boldly and firmly. Shut not men up in dark corners—drive them not into concealment—send them not back into conspiracy, for then they would really conspire. In the name of Wilberforce and Clarkson I conjure you to dismiss from your box with honest and zealous indignation every attempt to prevent the millions from seeking peaceably and quietly to obtain an amelioration of existing institutions. There may be a little ingenuity displayed in reference to this comparison of the present movement with that for the abolition of slavery, and a distinction may be taken. There is a distinction, but the principle is the same.

The next conspiracy was for the abolition of the slave trade. I rejoice that I was a sharer in that conspiracy. I care not though the gloom of a prison should close upon me, my heart rewards me with the consideration that humble, ungifted, and undistinguished as I am, I had the honor to belong to that conspiracy by which the slave trade was abolished. I attended a meeting for that purpose, and poured out, perhaps with more talent than the inspiration of liberty could ever give for anything else, my indignant load of con-

tempt on those who practiced slavery and trampled under foot the humanity and kindness of our nature. I had a share in that movement. Oh, how would they have stared if this doctrine of conspiracy was sooner invented, and the slave bound forever, till somebody with milk and water accents—with mild tea-table talk endeavored to persuade some one to abolish it, until some one went to America and spoke soft things to the owners of the negroes, and having, in as gentle a way as possible, insinuated the atrocities practiced towards the slaves, then, by and by to coax the owners, and win upon them to consent to the abolition of slavery. Oh, gentlemen, it was the calling down of public indignation—the rousing of all that was virtuous in the public mind, and that Heaven descended spirit of persevering, open, bold humanity that shook off the fetters of the negro, and re-established him in freedom. What would become of reform in parliament if such demonstrations of public opinion had not been made? Was there a man among the Whig aristocracy that did not approve of it, not join in such demonstrations? Were there not great meetings held? You have heard of the Birmingham meetings, and hundreds of other meetings for the purpose of obtaining parliamentary reform. What reform in parliament could be obtained without such meetings? Would the additional reform promised in the Queen's speech ever be carried, if England did not assemble in her countless thousands? And in Ireland the agitation for Repeal had already extracted promises of good for Ireland, even from those who had been the enemies of the restoration of the Irish parliament.

At the time of the agitation for Catholic emancipation, the most eminent lawyer of the period—and the Attorney-General will not think that I pay him no respect when I say he was his superior, certainly his equal. He was an eminent lawyer, and had a strong, and perhaps conscientious, antipathy to Catholic emancipation. I do believe there was no more decided or honest opponent of that measure than Mr. Saurin. He thought the law was violated by that agitation. He prosecuted some of those engaged in it. He was defeated in one trial, and he succeeded in another. But would he ever

dream—would he in the very wildness of imagination think of turning the efforts made for Catholic emancipation into a conspiracy? I was prosecuted for words spoken. My friend on my left (Mr. Sheil) was prosecuted for words spoken, but the Attorney-General never thought of violating the constitution by turning those efforts for emancipation into a conspiracy. Yet had not we our county meetings—our simultaneous meetings? Did not, on the 30th of January, 1829, all the Catholics of all the parishes in Ireland meet? Was that evidence of a conspiracy? Upon one day every parish in Ireland met. On one day they proclaimed a determination to persevere till they obtained religious equality. No man ever dreamed of turning that into a conspiracy. It was reserved for our time—it was reserved for our day—it was reserved for the glory of the present Attorney-General to have found out that which none of his predecessors could possibly discover.

Gentlemen, at the present moment a very serious question is in agitation in England—the Corn Law League. I care not what your opinions are with regard to that question—I mean no disrespect—they say the object of that league is to obtain cheap bread for the poor, and an increased market for labor. I do not mean to argue the point with you; we have enough of our own. They have held many meetings, they have used the boldest language, and the Rev. Mr. Fisher has accused them of inciting to assassination and incendiarism. We are free from that accusation, we are free from the slightest imputation, and is this case to be sent over to England to put down that glorious struggle? and is the attempt to give cheap bread to the poor to be turned into conspiracy? Oh no, gentlemen, no! The English are safe in the glorious integrity of their jury box; there won't be a single juryman sworn to try them who differs with them in opinion—there won't be a juryman sworn who even differed with violence upon any principle with the traversers. No; the Englishmen are safe—I was wrong in saying they were in danger—the Englishmen are safe in the protection of their jury box—and do you, gentlemen, protect us as the English protect them. Indeed, it is manifest, if the Attorney-General triumphs in this case, no great grievance can be redressed.

When authority and power are interested it requires a more cogent argument than justice to obtain relief, and it is only obtained by the power of public demonstration, and the accumulated weight of public opinion. A French author says—I do not quote him as an authority, for no man hates French infidelity and French republican opinions more than I do; but a French author says that “You cannot make a revolution with rose water.” He would make it with blood—I would make it with public opinion, and I would put a little Irish spirit in it. But I come to the menagerie of evidence which sustains this case. I told you there were two classes of evidence—if I am not wrong in using the words monster meetings and newspaper publications—we will take each of them. I am not here to deny that these meetings took place. I admit that they were held. I admit that the people attended them in hundreds and hundreds of thousands, but it has been said that the magnitude of these meetings would alone make them illegal. I do not discuss that question. I do not give it weight enough to do so. But I again admit that they took place, and I will ask you, was any life lost at any of those meetings? You will answer no! not one! Was any man, woman, or child injured? You will answer no! unanimously no! Did an accident happen to any living thing so as to injure it in the slightest degree? Was there a single female, young or old, exposed to the slightest indelicacy? Was there one shilling’s worth of property destroyed at any one of those meetings? You will answer me, unanimously no! Oh, but I forgot—there was a policeman in colored clothes who described a ferocious assault made by the people coming in from Carlow, which very nearly overturned the gingerbread and apple stands of the old women—and the amount of violence perpetrated was the overturning of some gingerbread stands. If there had been any violence committed would we not have heard of it? would it not have been proved by the policemen or magistrates who attended?

Oh, gentlemen, it is ridiculous—that is, it is the prosecutions which are so. There was no violence, no battery, no assault, no injury to property, not the least violation of morality, or even of good manners. Not one accident happened at one of

those meetings; not even a casual accident; and if I incited the people, and had them ready for rebellion, would they have been thus restrained? and would they not have committed outrages by which their feelings would have been manifested? But no, so completely were they devoid of ill-feeling, so completely had every harmonizing influence sway over them, that grown mothers and young mothers carried their infants with them as their best and surest protection. Oh, it would delight you to have seen them! The men stood back for them to pass! the mothers and daughters knew that they had their husbands and brothers there, and so help me Heaven! I withdraw the violence of expression, and I say, that there could not have been a more convincing and triumphant evidence of the total absence of irritated feelings, than the kind of feeling which they evinced. I turn boldly and say, the world does not produce a country where such meetings could take place. They could only occur among this calumniated people, who, according to the Times, are "a filthy and felonious multitude." Yes, there are no people on the face of the earth, except the Irish people alone, who could afford such a specimen of moral dignity and elevation. They have been educated to it—forty years have they been so—the Emancipation educated them, and now they are sublimed into peaceful determination. They will not be ruffled by anything which may have happened in this court. They will abide your verdict; they may disapprove of it if it is unfavorable, but they will not be guilty of the slightest violation of the law. But was any one intimidated by those meetings? They could have produced magistrates or policemen, one by one, to prove their intimidation. They could have produced the most timid, either in pantaloons or petticoats, to prove there was intimidation. With the most ample means of proof, there is the greatest neglect of evidence. My lord, I appeal to your lordships, if there was one particle of intimidation—is there one particle of such evidence before you? And is it not thoroughly certain that it is so only because such evidence is not in existence? Gentlemen of the jury, it is not that alone—it is not purely inferential—the police were at the meetings; they might have asked if any one complained to them—whether the most timid person in

the neighborhood or vicinage expressed alarm or apprehension. They asked them no such question; it had been answered already.

Now, my lord, there was another feature in those meetings, to which I shall beg to call your attention. There was not one of those meetings at which any mandate from authority was disregarded; no proclamation was disregarded, no magisterial warning resisted in the lightest degree. There was no message or personal intimation from any justice of the peace treated with disregard—no police inspector, or sub-inspector, or constable disobeyed. Recollect that, my lords—remember that, gentlemen of the jury. There is not the slightest evidence of even the smallest disregard of legal authority. If we were seditious, why did we not get some warning? Why was there not a proclamation issued against these meetings? Oh! but there was a proclamation at length. I do not like to enter upon any angry topic; but that proclamation was immediately obeyed. You have no evidence of any conspiracy in any one of them, no evidence of anything but a ready submission and obedience to the law. Conspiracy—shame on those who invented such a term, as applied to men laboring, as we were, in the sacred cause of our country's liberty—obeying the laws, committing no violence. No, my lords, no. We have had many misfortunes in this country, many afflictions, many things to endure. Oh, gentlemen, your verdict will not be an additional one. It will be such a verdict as will calm the troubled waters. If those meetings were tranquil before, why there is no need of it. If the language was harsh or violent your verdict will soothe and soften it. Even the excuse of violent language they shall never have again. No, gentlemen, they were not illegal meetings, they were meetings, as I will show you, suited to the purpose they had in view. If it were at one, or two, or three, or ten of them that tranquillity had prevailed, it would, perhaps, seem casual, but at every one of them the behavior of the people was the same. The entire thirty-seven included in the indictment come within the same catalogue. It could have been by nothing but design, when you accumulate the number, that the same peaceful demeanor prevailed at all of them. The government knew of them; why



was not their illegality previously imputed to them, if it existed? I am not one of those who would insinuate or say that the Attorney-General meant to urge them into criminality, in order that he might pounce upon them. I say no such thing—I would do him more justice. He did not previously interfere, because there were no grounds for a prosecution—there was nothing to warrant his interference. That is his defence. And I do not attach any criminality to him for not having interfered with them before.

[Mr. O'Connell here had a short conversation with Mr. Shiel, after which the learned gentleman resumed.]

I am told that I used an equivocal word—I said that those meetings were quiet by design. I repeat it. The design pre-existed long before one of them was held—the design to be quiet and peaceable existed, and it will continue to exist. There was no such arrangement for any particular meeting. That was the education which I spoke of the Irish people having received—the education that the only certain way to establish their rights, and to obtain valuable amelioration and free institutions, was by peaceable conduct and obedience to the laws. I ask you, gentlemen, what evidence is there of a conspiracy from what has passed at any of these meetings? I leave it to your conscience—to your integrity, to answer the question. What care I what your politics are—you will answer before your Maker for the verdict you pronounce—I leave the responsibility to you. This is one part of the conspiracy, and the next is the publications in the newspapers. Do not imagine I am going to detain you in canvassing all the phrases and sentences that have appeared in these papers. I am not. You have been powerfully addressed on that topic already. I shall take up the general nature of the evidence of those newspapers, from which you are called upon to fabricate a conspiracy. I submit that, with the exception of what is proved to have been delivered by me, the evidence of these newspapers is no evidence against me, unless the conspiracy is first proved. And see what a circle that would lead you into. Are you to find the evidence of conspiracy from the newspapers? The newspapers are no evidence against me

unless I be first proved to be a conspirator. Be that as it may, I shall leave it to the court as a matter of law, but I leave to you the weight, the worth of the evidence, should that evidence go to you at all. Suppose it does, what is there in it against me?—what is its substantial weight against me? Is there any proof that I ever saw one of those newspapers? Is there any proof of any connexion between me and those newspapers? It will appear by the dates that when some of the harshest passages in them were printed I was not in town—I was attending those meetings in the country, and it was moved that at the association I distinctly disavowed that any newspaper was the organ of it. But it is said that we circulated these newspapers. See what the fact is. Those who subscribed a certain amount allocated a portion of it, according to our rules, to the purchase of a newspaper, and they were entitled to any paper they might select. The evidence is not that we selected any newspaper for them, but they ordered any one they pleased; and bear in mind at the same time that we proclaimed that not one of them was the organ of the association. It is said that these newspapers contained libels. If they did why were they not prosecuted? They were answerable for it under the law of libel. That should be our protection, if there were libels in them. The Attorney-General was competent to institute a prosecution. It was not our duty to examine them—it was his. But the fact is, the Attorney-General would have prosecuted every one of those newspapers long ago if he thought it worth his while.

Every great newspaper “we,” imagines himself a man of great importance; but when once these newspapers are read—if read at all—they are forgotten; and, I would venture to say, that not a particle of what is charged here as published by them would be thought of now if it was not for these trials. They are ephemeral productions—we are accustomed to them—they are either read and forgotten, or not read and passed by. But what is it they are charged with? Exciting the people to violence and tumult. Did any one of them produce such an effect? Was there any sort of violence among the people? You, gentlemen, have to decide whether that political problem I have sought to solve—whether the

political theory I have sought to realize, that which has been the leading principle of my political life—is one in its nature to be considered fairly, honestly, and liberally. Yes, gentlemen, if you thus regard it you will take the whole tenor of my past life into consideration before you come to a conclusion as to the verdict which you ought to return, and you will form your judgment by a reference to the great and leading principles of my political career.

It appears to me that the Attorney-General himself, if I did not misconceive the drift of his observations, admitted the peaceable nature of my intentions; and of this there certainly can be no doubt, that the newspapers which have been given in evidence against me are full to overflowing with my admonitions to the people to observe the laws and to yield the most implicit obedience to everything having the shape and semblance of legal authority. Evidence the most convincing has been adduced, even by the Crown, to demonstrate what the great principle was upon which the Repeal movement was founded and designed. It has been proved to you that this maxim received universal acceptance among us—that the man who commits a crime gives strength to the enemy. This sentiment was printed upon flags and banners—it was attached to all our documents—it was inscribed upon our platform, and painted on the walls of the association. It was universally acknowledged among us as the cardinal maxim of our political lives, and was the topic of our conversation. We left nothing undone to impress upon the minds of those who joined the movement that the man who committed an offence against the law gave strength to whoever might be the enemy of our cause. Such was the principle that we proclaimed. It may be said that it was one that savored of hostility; but if so, it had only a stronger effect on that account. You have heard again and again of my assertion that the most desirable of all political ameliorations were purchased at too dear a price if they could only be obtained at the expense of human blood. That is the principle of my political career; and if I stand prominent among men for anything, it is for the fearless and unceasing announcement of that principle.

From the day when first I entered the arena of politics until the present hour I have never neglected an opportunity of impressing upon the minds of my fellow-countrymen the fact, that I was an apostle of that political sect who held that liberty was only to be attained under such agencies as were strictly consistent with the law and the constitution—that freedom was to be attained, not by the effusion of human blood, but by the constitutional combination of good and wise men—by perseverance in the courses of tranquillity and good order, and by an utter abhorrence of violence and bloodshed. It is my prudent boast, that throughout a long and eventful life I have faithfully devoted myself to the promulgation of that principle, and, without vanity, I can assert, that I am the first public man who ever proclaimed it. Other politicians have said, ‘win your liberties by peaceful means if you can,’ but there was a *arrière pensée* in this admonition, and they always had in contemplation an appeal to physical force, in case other means should prove abortive. But I am not one of these. I have preached under every contingency, and I have again and again declared my intention to abandon the cause of Repeal if a single drop of human blood were shed by those who advocated the measure. I made the same principle the basis for the movement in favor of Catholic Emancipation; and it was by a rigid adherence to that principle that I conducted the movement to a glorious and triumphant issue. It is my boast that Catholic Emancipation, and every achievement of my political life, was obtained without violence and bloodshed; and is it fair, I ask you, gentlemen, that you should be called upon at this hour of the day to interrupt a man who has laid that down as the basis of his political conduct, and who at no period of his existence was ever known to deviate from the maxim? Is it right that men of honesty and intelligence should be called upon to brand now as a participator in conspiracy the man who has been preaching peace, law and order during his whole life, and has invariably deprecated and denounced the idea that the objects of his political life were to be attained by an appeal to violent means?

Gentlemen, I belong to a Christian persuasion, with whose members it is a principle of doctrinal belief that no advantage

to church or state—no, not even Heaven can be sought to be attained at the expense of any crime whatsoever ; that no sin is to be justified or palliated by any account of advantage, however enormous, that may possibly be obtained by its commission. If there were in that box a single member of my own religious persuasion there would be no necessity for my impressing this fact upon your minds, for he could tell you that he professed that same doctrine in common with myself. All my life I have studiously endeavored to model my political conduct according to the standard of that maxim of my religious belief, and, therefore, should you now be called upon to do your judgment and common sense the violence of believing that I could proclaim one thing and practice another, I fearlessly assert that there is no circumstance of my life, from my birth to the present hour, which can warrant you in doubting the sincerity of my professions. It will appear from reference to the newspapers that have been given in evidence—and even though there were no newspapers, the fact is so notorious as to admit of no dispute—that no man ever possessed so much of the confidence of the Irish people as I. No man enjoyed it so unremittingly, and in so large a degree. I have obtained the confidence of all classes of the Catholic laity, not of the poor Catholics alone whose condition might be ameliorated by any charge but of the middle and higher classes also. I have also the honor of enjoying the confidence of the Catholic clergy, and the Catholic episcopacy, and to what am I to attribute the possession of their good graces unless to the assertion of this principle and to the unswerving fidelity with which through all the vicissitudes of my political life I have invariably adhered to it. How long could I possess their confidence if I were the base deceiver I am pictured? Not an hour. But I possess their confidence, because they are thoroughly convinced of the sincerity and integrity of purpose with which I have announced my sentiments.

I am here surrounded by my countrymen, who have confided their cause to my management, for no other reason than that they have the fullest possible reliance on the sincerity with which, during a period of forty years, I have proclaimed the doctrine that the man who committs a crime injures the

cause he espouses, and strengthens the hands of those who are its antagonists. My whole life is a refutation of the accusation that I am insincere; and is the invidious task now to be assigned to you, gentlemen, of branding your countrymen as fools and dotards—men who patronize hypocrisy, and who for near half a century have suffered themselves to be befooled and deluded by empty pretences? The public will not believe it—England will not believe it—nor will any enlightened country in creation believe it. I am here pleading before the European world. I am here pleading the cause of my country before a jury of Protestant gentlemen, in presence of the kings and people of the universe, and with what amazement will they not gaze upon you if by a verdict which doubts for a moment the sincerity of my political professions, you brand as fools and dotards millions of your Catholic fellow countrymen, and with them, many, very many Protestants of the greatest intelligence and the highest possible respectability. No, you cannot for a moment question the honest sincerity with which I have ever advocated that glorious principle, the advocating of which was the pride of my youth, the glory of my manhood, and the comfort of my declining years. I feel I have not done you justice in pressing this topic at such length upon your consideration. Such prolixity was unnecessary; for I am sure you are wholly incapable of taking such a view of my conduct as that insisted on by the Crown.

The only farther observation which I will offer upon this branch of the case is merely to state that I doubt whether my sincerity in this respect has ever been questioned, even by the most implacable of my enemies. I do not think that it was ever publicly impugned, and certain I am that it ought never to have been impugned either publicly or privately. It is utterly impossible for me to believe that after having been so successful in my endeavor to obtain popular rights by means purely consistent with justice, humanity, the law, and the constitution, I could now fling to the winds every principle of my bygone life, and assume the character and play the part of a conspirator. Nothing in my public conduct, I must again repeat, could justify such a suspicion. Nay, I fearlessly aver, there are incidents in my public life which give the lie to any

such suspicion. Permit me to instance a few facts : you must all remember what a frightful combination existed eight years ago among the workmen and operatives of the city of Dublin. Lives were lost in our public streets, or men were assaulted with such brutal violence that, if death did not ensue, the circumstance was to be attributed rather to a happy accident than to any forbearance on the part of the conspirators. The combination had spread to such a dreadful extent that the public authorities were unable to cope with it.

It has been frequently alleged against me by my enemies that I am a man who would sacrifice principle to popularity. How stands the fact? I came forward, I opposed the combination publicly, single-handed, and opposed them at the peril, not only of my popularity, but of my very existence. The fact is notorious in Dublin. At the meeting in the Exchange the operatives were infuriated against me, and I owed the preservation of my life to the police. But it was my duty to oppose the combination, and I did not shrink from it; I persevered in it, and what occurred? I persuaded those who had been most ferocious against me, and from that day to this not a single combination outrage has occurred in Dublin. I opposed combination at the expense of popularity—at the risk of life; and is it credible, I ask you, that I should have taken that part to play the hypocrite somewhere else? It was not in that alone that I exhibited my abhorrence of violence of any kind; for don't you find throughout these newspapers my perpetual opposition to Ribbonism? have they not read over and over to you my denunciations of Ribbonism—my warning to the people—my denunciations of the system to the police? calling on them in time to stop its progress? Oh, if there was any conspiracy, would I not be glad to be assisted by the conspirators? If my means were iniquitous, would I not have the advantage of that iniquity? I had influence—I had only to countenance the Ribbonmen, and Heaven knows how far it would have extended! It has been stated over and over again—it is part of the prosecution—my discountenance of these Ribbonmen; nay, more, my resistance to all secret societies—my constant denunciation of them. Oh, do but take these things into your consideration, and say in your con-

science, if you can, that man is a hypocrite, who, without anything in the world to move him but adherence to his principles, flung away the instrument that would tarnish his cause, however useful it might be.

Another thing in my public life was that I opposed, at the risk of my popularity, and loss of popularity, the present system of poor-laws. With the influences I possess, could not I have roused the poverty of Ireland against its property, and insisted that all that were poor should be fed by all that were rich, as others did? No; I saw the danger of such a proceeding. I was taunted by many a sincere friend—sneered at by men who have joined me again. No, no; I consulted my conscience, and that conscience told me that the real nature of the provision, makes more destitute than it relieves—that its machinery must be the great burden on the property of the country. But, my lords, since it became law, I have not given it any opposition. I have allowed the experiment to be tried, and those who were most inimical before have vowed that I was right, and they were wrong, and I am ready to ameliorate it, and assist its working if I can.

Gentlemen, you also recollect it is given in evidence the manner of my answer to young Mr. Tyler's speech and letter; you saw from that and from the speech given in evidence by Mr. Bond Hughes; and now, my lords, as I have mentioned that name, I think it right to say that as I was one of those convinced that that gentleman had willfully sworn what was not true, I am glad to have mentioned his name, because it affords me an opportunity I am proud to take of stating, that I never saw a witness on the table who gave his evidence more fairly than Mr. Bond Hughes, and I am thoroughly convinced that the contradiction in his evidence was a mistake that any honest man might fall into. It is not part of this case, but I am sure your lordship don't think me wrong in making this public avowal.

Gentlemen, it appears by his report also, how emphatically I informed the Americans that we were anxious for sympathy from them, but that we would take no part, in the slightest degree, disparaging of our allegiance. But that is put still more strongly when you recollect the denunciations I made of



the American slave owners. Large sums of money were sent from the American slave-holding states—the remittances were in progress—money was in progress of collection in Charleston, South Carolina ; but did I mitigate my tone, or moderate my language in condemning the principle of slavery? Did I not denounce the slave owners as enemies of God and of man—as culprits and criminals? Did I not compare association with them to association with pickpockets and felons? Did I not use the most emphatic language to express my denunciation of the horrible traffic in human beings—of all the immorality, and all the frightful horrors that belong to that system? Oh, if I was a hypocrite, would I not have passed over the topic with a few soft words, and have accepted their sympathy. Is there hypocrisy in my public sentiments that no amelioration in any public institution can be worth one drop of blood?

Gentlemen, you have in the newspapers, also, that the democratic party in France, headed by Monsieur Ledru Rollin, offered us sympathy and support. It is a considerable party—it is a powerful party—it is the party that hates the English—the party most of all ferocious against England, a hatred which arose from the blow their vanity got at Waterloo. You have my answer to that offer. Did I seek his support, or the support of his party? Did I mitigate and frame my answer in a way that I should appear unwilling to accept that support, but really allow it? No; I took the firm tone of loyalty—I reject their support—I refused the offer; I cautioned him against coming over here, for we would do nothing inconsistent with our loyalty; and is that the way in which my hypocrisy is proved? Gentlemen, it was not that party in France alone that I defied. Even at their present monarch I have hurled my defiance. To be sure, the Attorney-General, with great ingenuity, introduced a report of the secret committee of the House of Commons in Ireland, in 1797, and he said we were acting on that plan. They were looking for French assistance—they had Irish emissaries in France—they had probably persons representing the French here—acting on the plan; imitating the conduct of the United Irishmen in 1797! Oh, gentlemen, it was directly the reverse.

It may be said I speculate on the restoration of the elder branch of that family—Henry V., as he is called. I would be very sorry to wait for a Repeal of the Union till that occurs, not that I disparage his title—for my opinion is, that Europe will never be perfectly safe until that branch of the Bourbon family be restored under liberal institutions. But I refused any, even the slightest assistance from that party. I hurled the indignation of my mind against the man that would force the children of France to be educated by infidel professors. I am not entering into the topic farther than you have seen by these reports of my antagonism to the French government.

There is another matter in my life—my opposition to the Chartists. Recollect, gentlemen, that when the Repeal Association was in full force, the Chartists were in insurrection in England—that they were entering in hundreds and thousands into the manufacturing towns of England—recollect, gentlemen, that there is something fascinating to all the poorer classes in Chartism. Oh! if I was playing the hypocrite, would I not have been mitigated in my tone respecting them? I did denounce them. I kept the Irish in England from joining them. The very moment a Chartist subscribed to the funds of the association his money was handed back to him, and his name struck off our list. Now, if my object was popular insurrection, good Heaven! would not any man in my situation have wished to have strength? There was no oath to be taken—no danger of the penalties of the law—yet I discountenanced Chartism. And, my lord, I do firmly declare, that is my conscientious conviction, that if I did not interfere, Chartism would have spread from one end of Ireland to the other. Gentlemen of the jury, these were the societies I succeeded in driving from Ireland, and I am to be charged with a conspiracy for this!

Another point to which I will call your attention is this—it has been my constant aim to pay the most devoted allegiance to the Queen; you have it in evidence, and you have heard it read out of all the newspapers, that the name was treated with the utmost respect, attention, regard, and delight, in every place, by the Irish people. I have never made a speech which did not breathe the most dutiful and affectionate loyalty

to her person, crown, and dignity. I stand here and repeat, I never made a disloyal speech; I always made a difference between the Queen and her ministers, and the Attorney-General has no right to say that I ever uttered one particle of disloyalty in arraigning the speech alluded to. When I spoke, I made the distinction between the minister and the sovereign, and I say there is not a particle or taint of disloyalty in the observations I made. I answered that speech, not as the speech of the Queen, but of the minister of the day, and I say there is no taint of disloyalty in it. I am come to a time of life when she can do nothing for me; and yet I am sure there is not a man in the court who could infer that I meant disloyalty.

In one thing I think the Attorney-General did not act fairly to me; and it does afflict me that I should be charged with disloyalty to the sovereign in the manner as he has sought to fasten it on me. In speaking of the ministry, the word *Judy* occurred, and then the Attorney-General tells you I called the Queen a fishwoman. That speech had no reference to the Queen at all—don't believe it; I feel angry at it. That speech had reference to the minister alone, and to him I applied the term "*Judy*," and nothing else, and it is utterly false that I used the word to the Queen; and I here disclaim, abjure, and disavow the man who would be capable of using such language to the sovereign.

No matter what I may be accused of, I have never been accused of disloyalty or disaffection to my sovereign, and I repeat I never did any such thing as the Attorney-General has stated to you. When I did use strong language, I have always distinguished between the Queen and her ministers. Gentlemen, I fear I have detained you rather longer on this point than I had intended, but I have to judge of my case by referring you to my public conduct which is fully before you. I may have talents, and whatever they were I must now say, in the decline and evening of my life, that my long and ardent desire was breathed for the liberties of my country.

Gentlemen, it was said the meetings, when they took place, had some object; so they had: the Repeal of the Union. Was that a bad or injurious purpose? I deliberately say it was

not ; no, it was the most useful that could possibly be had for the benefit of this country. I say there is not a man in this court, the neutrality of the court alone excepted, that ought not to be a Repealer, and I think before I sit down I will make you all Repealers. I will show it is your duty to join the Repeal cause, and then I am sure you will have pleasure in doing so. I mean, in the first place, to show you the destruction caused in this country by the English parliament—that it had from the most remote period watched this country with a narrow jealousy. I will give you some evidence regarding the woolen manufacturers of this country. It is a long time ago, and occurred in the reign of a King whose actions you are not inclined to condemn. I will show that the settlement of 1782 was to be a final adjudication and establishment of the Irish parliament forever. In the next place, I will show you the great prosperity of Ireland subsequent to that period. I will next show you that the Union was founded in the grossest injustice and fraud—I will show you the distress that followed the Union statute—I will show you the ill-treatment of Ireland by England, which is a matter of history so well known, that I will not detain you on the point. Yet, being brought here by the Attorney-General, my defence is, that I am not looking for what is injurious to the country, but for what would be of the greatest possible benefit to this country. I have a right to this ; for I have represented the county of Clare, with 250,000 inhabitants ; I have represented Waterford, with 300,000 inhabitants ; I have represented Kerry with 260,000 inhabitants ; I have represented Meath with 300,000 inhabitants ; and I now stand here, the proud representative of the county of Cork, with her 730,000 inhabitants ; and I feel it a duty I owe to the country, to state that I am seeking what will benefit her inhabitants. I twice represented the city of Dublin, and I feel gratitude to the Irish people for the confidence reposed in me, and I here stand up to demand for her just rights and privileges. I first propose to show the misgovernment of Ireland by England, and I will do so from a French author. He was a historian, and one of the literati of France, and I will give you his description. Hear what he

says. It is from Thierry's History of the Conquest of England by the Normans, 3d vol., p. 430 :

“The conquest of Ireland by the Anglo-Normans is perhaps the only one which has not been followed by gradual amelioration in the condition of the conquered people. In England the descendants of the Anglo-Saxons, though unable to free themselves from the dominion of the conqueror, advanced rapidly in prosperity and civilization. But the native Irish, apparently placed in similar circumstances, have for five centuries exhibited a state of uniform decline. And yet this people are endowed by nature with great quickness of parts, and a remarkable aptitude for every description of intellectual labor. The soil of Ireland is fertile and adapted to cultivation ; yet its fertility has been equally unprofitable to the conquerors and the conquered, and the descendants of the Norman, notwithstanding the extent of their possessions, have become gradually as impoverished as the Irish themselves. This singular destiny, which presses with equal weight upon the ancient inhabitants and the more recent settlers of Ireland, is the consequence of their proximity to England, and of the influence which, ever since the Conquest, the government of the latter country has constantly exercised over the internal affairs of the former.”

There is a disinterested and impartial history giving you this melancholy picture of the state of things, and you see it is all owing to the baneful influence of the English government on this country. The next authority which I shall quote is not one that would be found in the same ranks with the last—it is Mr. Pitt. In speaking of the commercial propositions of 1785, I find he says :

“The uniform policy of England had been to deprive Ireland of the use of her own resources, and to make her subservient to the interests and the opulence of the English people.”

That is not my language, gentlemen ; they are the words of Pitt, avowing that the policy of England had always been to use Ireland for her own purposes. I will read another authority of more consideration with you—it is that of the Lord Chief Justice Bushe, delivered in parliament in 1799 :

“You are called upon to give up your independence, and to whom are you called upon to give it up ? To a nation which for six hundred years has treated you with uniform injustice and oppression.”

These, recollect, are the words of Lord Chief Justice Bushe, and not mine.

“The treasury bench startles at the assertion—*non meus hic sermo est*. If the treasury bench scold me, Mr. Pitt will scold them—it is the assertion in so many words in his speech. Ireland, says he, has always been treated with injustice and illiberality. Ireland, says Junius, has been uniformly plundered and oppressed. This is not the slander of Junius, nor the candor of Pitt—it is history. For centuries has the British parliament and nation kept you down, shackled your commerce, and paralyzed your exertions; despised your characters, and ridiculed your pretensions to any privileges, commercial or constitutional. She has never conceded a point to you which she could avoid, or granted a favor which was not reluctantly distilled. They have been all wrung from her like drops of her blood.”

The words are not mine, gentlemen.

“And you are not in possession of a single blessing (except those which you derive from God) that has not been either purchased or extorted by the virtue of your own parliament from the illiberality of England.”

In 1798, when a government pamphlet was published by Mr. Secretary Cooke, which first broached the subject of the Repeal of the Union, he says :

“A Union was the only means of preventing Ireland from growing too great and too powerful.” At the same time admitting—“When one nation is coerced to unite with another, such union savors of subjection.”

I will quote again from Lord Chief Justice Bushe :

“In denouncing England’s intolerance of Ireland’s prosperity, during the debates on the Union, he used the following language : “I strip this formidable measure of all its pretensions and all its aggravations : I look on it nakedly and abstractedly, and I see nothing in it but one question—will you give up the country ? I forget for a moment the unprincipled means by which it has been promoted—I pass by for a moment the unseasonable time at which it has been introduced, and the contempt of parliament upon which it is bottomed, and I look upon it simply as England reclaiming, in a moment of your weakness, that dominion which you extorted from her in a moment of your virtue—a dominion which she uniformly abused—which invariably oppressed and impoverished you, and from the cessation of which you date all your prosperity. It is a measure which goes to degrade the country, by saying it is unfit to govern herself, and to stultify the parliament by saying it is incapable of governing the country. It is the revival of the odious and absurd title of conquest; it is the renewal of the abominable distinction between mother country and colony which lost America ; it is the denial of the rights of nature to a great nation from an intolerance of its prosperity.”

From the commencement I told you I would prove that it was hatred of the prosperity of Ireland; and if he who uttered that opinion were here to-day, he would avow it. These topics were almost forgotten, and I am obliged to the Attorney-General for having reminded me of them. I will read another document to prove that the English policy has always been against the amalgamation of the Irish people. It is an extract from a letter from Primate Boulter to the Duke of Newcastle, which is dated Dublin, January 9th, 1724 :

“I have made it my business to talk with several of the most leading men in parliament, and have employed others to pick up what they could learn from a variety of people : and I feel by my own and others’ inquiry that the people of every religion, country, and party here, are alike set against Wood’s halfpence, and that their agreement in this has had a very unhappy influence on the state of this nation, by bringing on intimacies between Papists and Jacobites and the Whigs who before had no correspondence with them ; so ’tis questioned whether (if there were occasion) the justice of the peace could be found who would be strict in disarming the Papists.”

Mark, gentlemen, the paternal feeling of the government of that day. “It spurned, as an ‘unhappy influence,’ the intimacy between the Papists and Whigs.” Gentlemen, have I not now proved what I said—by the authority of Thierry, of Pitt, of Bushe, and of Primate Boulter? And I conjure you to remember that opinion of Bushe—that the oppression of Ireland arose from an intolerance of her prosperity. And he uttered that sentiment uncontradicted. I will next bring your attention to the transactions of 1782—that period which must be familiar to your recollections—the one bright spot—the one green oasis in the desert surrounding it. The transactions of 1782 were of consummate advantage to England. She was then assailed upon every side. America had first rebelled, and afterward separated from her. She wanted Ireland. Being without troops to garrison her citadels and secure her safety, the gentlemen of Ireland armed. But did they think of separation? No ; they asserted their right to an independent legislature and free trade, and they obtained both, for it was not safe to refuse them. The adjustment which then took place between the two countries was declared to be a final one. The

English House of Lords said so, the Commons said the same, the Lord Lieutenant of Ireland announced it, and the two British houses of parliament declared it was a final adjustment. And how was it got rid of? I will show you. [Mr. O'Connell read the document.]

Such were the principles in which that great settlement was brought about; and do you know, or did you know in your lives a single individual who was a Volunteer in 1782 that to the last moment of his life did not boast of having participated in that mighty and most salutary change? It was glorious to Ireland to preserve their allegiance, and join it with liberty—to ascertain constitutional rights, and obtain legislative independence. The connexion with England was stronger—the connexion was never disputed, but proclaimed by the patriots of that day, and the connexion was preserved by that measure.

I am asked whether I have proved that the prophecy of Mr. Fox was realized, that the prosperity that was promised to Ireland was actually gained by reason of her legislative independence. Now, pray listen to me. I will tell you the evidence by which I shall demonstrate this fact. It is curious that the first of them is from Mr. Pitt, again, in the speech he made in 1799, in favor of the resolutions for carrying the Union. If he could have shown that Ireland was in distress and destitution—that her commerce was lessened—that her manufactures were diminished—that she was in a state of suffering and want, by reason of, or during the legislative independence of the country—of course he would have made it his topic in support of his case, to show that separate legislatures had worked badly, and produced calamities and not blessings; but the fact was too powerful for him. But his vicious ingenuity availed itself of the fact, which fact he admitted; and let us see how he admitted it. He admitted the prosperity of Ireland; there was his reasoning. Now mark it—"As Ireland," he said, "was so prosperous under her own parliament, we can calculate that the amount of that prosperity will be treble under a British legislature." He first quoted a speech of Mr. Foster's in 1785, in these words—"The exportation of Irish produce to England amounts to two millions and a half annually, and the exportation of British produce to Ireland



amounts to one million." Instead of saying you are in want and destitution, unite with England, and you will be prosperous—he was driven to admit this. Ireland is prosperous now with her own parliament, but it will be trebly prosperous when you give up that parliament, or have it joined with the parliament of England. So absurd a proposition was never uttered; but it shows this, how completely forced he was to admit Irish prosperity, when no other argument was left in his power, but the absurd observation I have read to you. He gives another quotation from Foster, in which it is said :

“Britain imports annually £2,500,000 of our products, all, or very nearly all, duty free, and we import almost a million of hers, and raise a revenue on almost every article of it.”

This relates to the year 1785. Pitt goes on to say :

“But how stands the case now [1799] ? The trade at this time is infinitely more advantageous to Ireland. It will be proved from the documents I hold in my hand, as far as relates to the mere interchange of manufactures, that the manufactures exported to Ireland from Great Britain, in 1797, very little exceeded one million sterling (the articles of produce amount to nearly the same sum) ; whilst Great Britain, on the other hand, imported from Ireland to the amount of more than three millions in the manufacture of linen and linen yarn, and between two and three millions in provision and cattle, besides corn and other articles of produce.”

That, said Mr. Pitt, was in 1785—three years after her legislative independence—that was the state of Ireland. Have you heard, gentlemen, that picture, that description ? You have heard that proof of the prosperity of Ireland. She then imported little more than one million's worth of English manufacture ; she exported two and a half millions of linen and linen yarn, and adding to that the million of other exports, there is a picture given of her internal prosperity. Recollect that we now import largely English manufactures, and that the greatest part of the price of those manufactures consists of the wages which the manufacturer gives to the persons who manufacture them. Two million five hundred thousand worth of linen and yarn were exported, and one million of other goods. Compare that with the present state of things. Does not every one of you know that there is scarcely anything now

manufactured in Ireland—that nearly all the manufactures used in Ireland are imported from England? I am now showing the state of Irish prosperity at the time I am talking of. I gave you the authority of Forster (no small one) and of Pitt, of Irish prosperity during that time. I will give you the authority of another man, that was not very friendly to the people of this country—that of Lord Clare. Lord Clare made a speech in 1798, which he subsequently published, and in which I find this remarkable passage, to which I beg leave to direct your particular attention: “There is not,” said his lordship, “a nation on the face of the habitable globe, which has advanced in civilization, in agriculture, in manufactures, with the same rapidity, in the same period, as Ireland” (viz., from 1782 to 1798). That was the way in which Irish legislative independence worked, and I have in support of it the evidence of Pitt, Foster, and Lord Clare: and Lord Grey, in 1799, talking of Scotland in the same years, says:

“In truth, for a period of more than forty years after the (Scotch) Union, Scotland exhibited no proofs of increased industry and rising wealth.”

Lord Grey, in continuation, stated that—

“Till after 1748, there was no sensible advance of the commerce of Scotland. Several of her manufactures were not established till 60 years after the Union, and her principal branch of manufacture was not set up, I believe, till 1781. The abolition of the heritable jurisdictions was the first great measure that gave an impulse to the spirit of improvement in Scotland. Since that time the prosperity of Scotland has been considerable, but certainly not so great as that of Ireland has been within the same period.”

Lord Plunket, in his speech in 1799, in one of his happiest efforts of oratory, speaks of her as

..... ‘a little island with a population of four or five millions of people, hardy, gallant, and enthusiastic—possessed of all the means of civilization, agriculture, and commerce, well pursued and understood; a constitution fully recognized and established; her revenues, her trade, her manufactures thriving beyond the hope or the example of any other country of her extent—within these few years advancing with a rapidity astonishing even to herself; not complaining of deficiency in these respects, but enjoying and acknowledging her prosperity. She is called on

to surrender them all to the control of—whom? Is it to a great and powerful continent, to whom nature intended her as an appendage—to a mighty people, totally exceeding her in all calculation of territory or population? No! but to another happy little island, placed beside her in the bosom of the Atlantic, of little more than double her territory and population, and possessing resources not nearly so superior to her wants.”

Here is the evidence of its failure as regards advantages to Ireland, and the benefit to be derived from Irish legislative independence :

“Such is the right honorable gentleman’s (Mr. Pitt’s) infelicity upon this great question, that the measure which was to be the remedy becomes the source of all distempers. Instead of quieting, he has agitated every heart in that country. The epoch from which was to begin the reign of comfort and confidence, of peace, and equity, and justice, is marked, even on its outset, by the establishment of that which rests every civil blessing on the caprice of power. Ill-starred race! to whom this vaunted Union was to be the harbinger of all happiness, and of which the first fruit is martial law—or in other words, the extinguishment of all law whatsoever.”

Advantages to be expected from the independence of Ireland.

17th May, 1782.

“He desired gentlemen to look forward to that happy period when Ireland should experience the blessings that attend freedom of trade and constitution; when by the richness and fertility of her soil, the industry of her manufactures, and the increase of her population she should become a powerful country; then might England look for powerful assistance in seamen to man her fleets, and soldiers to fight her battles. England renouncing all right to legislate for Ireland, the latter would most cordially support the former as a friend whom she loved. If this country, on the other hand, was to assume the power of making laws for Ireland, she must only make an enemy instead of a friend, for where there was not a community of interests, there the party whose interests were sacrificed became an enemy.”—2 *vol.* p. 60.

LORD CHIEF JUSTICE.—I beg your pardon, Mr. O’Connell, I am not able to bear the heat of the court. I would be sorry to incommode you, but it will be necessary to open one of the windows.

MR. O’CONNELL.—Not at all, my lord. I will return in a moment.

Mr. O'Connell having been permitted to withdraw for a short time, the court and jury retired for refreshment.

The court having resumed, Mr. O'Connell thus proceeded: When the adjournment took place I was in the act of reading to you several authorities showing how much Ireland prospered under her own independent parliament. I will now direct your attention to such documents as will tend to corroborate the facts contained in those I have already adverted to. You have heard that in 1810 a meeting was held in Dublin to petition the legislature for a Repeal of the Union. I will read an unconnected passage from a speech delivered by a gentleman belonging to a most respectable house in this city. It is as follows:

“Some of us,” said he, “remember this country as she was before we recovered and brought back our constitution in the year 1782. We are reminded of it by the present period. Then as now, our merchants were without trade, our shopkeepers without customers, our workmen without employment; then as now, it became the universal feeling that nothing but the recovery of our rights could save us. Our rights were recovered; and how soon afterwards, indeed as if by magic, plenty smiled on us, and we soon became prosperous and happy.”

Let me next adduce the testimony of a class of citizens who, from their position, and the nature of their avocations, were well calculated to supply important evidence on the state of Ireland, subsequent to the glorious achievements of 1782. The bankers of Dublin held a meeting on the 18th of December, 1798, at which they passed the following resolutions:

“*Resolved*—That since the renunciation of the power of Great Britain, in 1782, to legislate for Ireland, the commerce and prosperity of this kingdom have eminently increased.

“*Resolved*—That we attribute these blessings, under Providence, to the wisdom of the Irish parliament.”

The Guild of Merchants met on the 14th of January, 1799, and passed a resolution declaring:

“That the commerce of Ireland has increased and her manufactures improved beyond example, since the independence of this kingdom was restored by the exertions of our countrymen in 1782.

“*Resolved*—That we look with abhorrence on any attempt to deprive the people of Ireland of their parliament, and thereby of their constitutional right and immediate power to legislate for themselves.”

I have in addition to these, from the most unquestionable authority (an authority incapable of deceiving or of being deceived), the relative increase in England and Ireland of the consumption of tea, tobacco, wine, sugar, and coffee, from 1785 to the Union, which is as follows :

Tea.—Increase in Ireland, 84 per cent ; increase in England, 45 per cent.

From 1786 to the Union : Tobacco.—Increase in Ireland, 100 per cent ; increase in England, 64 per cent.

From 1787 to the Union : Wine.—Increase in Ireland, 74 per cent ; increase in England, 22 per cent.

From 1785 to the Union : Sugar.—Increase in Ireland, 57 per cent ; increase in England, 53 per cent.

Coffee.—Increase in Ireland, 600 per cent ; increase in England, 75 per cent.

I could multiply quotations. What need have I for so doing? I have proved that no country on the face of the earth ever increased so rapidly in prosperity, as Ireland did from 1782 to the Union. There is a cant phrase used for want of argument against us Repealers—"you wish for dismemberment of the empire." Reflect for one moment on the absurdity of saying this. Ireland, under her own parliament, with her own legislature, increased in prosperity to the incalculable extent I have shown. Is it possible to believe that that increase in prosperity would have had the least tendency to the dismemberment of the empire, or separation from England? She was increasing in prosperity during the connexion—she was increasing in prosperity during that period of legislative independence—why should she, then, think of dismemberment? I can understand the term as applied to a period in which trade was declining—in which the consumption of the articles I have mentioned greatly diminished—I can understand the term dismemberment, as applied to poverty and destitution, but it is absurd to talk about dismemberment, as applicable to a period when there was an increase in prosperity, such as Ireland experienced under her own parliament again.

Is it not melancholy to think that such an opening scene as that to which I have directed your attention should be closed at once? It really afflicts me to reflect that there

should have existed—should I call him a monster—to disturb such increasing prosperity, to gain dominion, and actually, to use the words of Charles K. Bushe, “invoice the prosperity of Ireland.” At the time when the great change took place the governing principle was anything but what it should be. The state English debt was considerably increased—the destruction of the Irish parliament, and the means used to effect that destruction, were certainly those suited to the nature of so deleterious an object. You will find that all that the worst passions could effectuate was arranged, in order to effect the destruction of Ireland.

The Attorney-General has referred you to the report of the select committee of the House of Commons in 1797. I will refer you to that of 1798. There I find that that which was stated by Lord Plunket as to the fomenting of the rebellion until it should come to such a pitch that it might suddenly explode was the great means of bringing the bad passions of Ireland in play. It appears by that report that there was a person of the name of M'Guane, who was a colonel in the United Irishmen. He transmitted to government all meetings of the colonels, and of the country and provincial rebel committees, from April, 1797, till May, 1798. These communications were made through Mr. Clellann, land agent to Lord Londonderry. But while on this point I will direct your attention to another fact. In the Life of Grattan, vol. 2, p. 145 :

“Shortly before his death Lord Clonmel sent for his nephew, Dean Scott, got him to examine his papers, and destroy those which were useless. There were many relating to politics that disclosed the conduct of the Irish government at the period of the disturbances in 1798. There was one letter in particular which showed their duplicity, and that they might have crushed the rebellion ; but that they let it go on, on purpose, to carry the Union, and that this was their design. When Lord Clonmel was dying, he stated this to Dean Scott, and made him destroy the letter ; he further added that he had gone to the Lord Lieutenant, and told him that as they knew of the proceedings of the disaffected, it was wrong to permit them to go on ; that the government, having it in their power, should crush them at once, and prevent the insurrection. He was coldly received, and found that his advice was not relished.”

So here you have that which necessarily followed from not acting on the communication of M'Guane, and the fomenting

of the rebellion for the purpose of carrying the Union. The entire country were against the measure, but they were controlled and checked by military power. Lord Plunket says :

“I accuse the government of fomenting the embers of a lingering rebellion ; of hallooing the Protestant against the Catholic, and the Catholic against the Protestant ; of artfully keeping alive domestic dissensions for the purposes of subjugation.”

I will now read a passage from a speech made by Lord Grey, in the year 1800, on the repugnance of the Irish nation to the Union :

“Twenty-seven counties have petitioned against the measure. The petition from the county of Down is signed by upward of 17,000 respectable independent men, and all the others are in a similar proportion. Dublin petitioned under the great seal of the city, and each of the corporations in it followed the example. Drogheda petitioned against the Union ; and almost every town in the kingdom, in like manner, testified its disapprobation. Those in favor of the measure professing great influence in the country, obtained a few counter petitions. Yet, though the petition from the county Down was signed by 17,000, the counter petition was signed only by 415. Though there were 707,000 who had signed petitions against the measure, the total number of those who declared themselves in favor of it did not exceed 3,000, and many of these only prayed that the measure might be discussed. If the facts I state are true (and I challenge any man to falsify them,) could a nation in more direct terms express its disapprobation of a political measure than Ireland has done of a legislative Union with Great Britain ? In fact, the nation is nearly unanimous, and this great majority is composed, not of bigots, fanatics, or jacobins, but of the most respectable of every class in the community.”

Mr. Bushe says :

“The basest corruption and artifice were excited to promote the Union. All the worst passions of the human heart were entered in the service, and all the most depraved ingenuity of the human intellect tortured to devise new contrivances for fraud.

“Half a million or more were expended some years since to break an opposition—the same, or greater sum, may be necessary now ;” [and Grattan added] “that Lord Castlereagh had said so in the most extensive sense of bribery and corruption. The threat was proceeded on—the peerage sold—the caitiffs of corruption were everywhere—in the lobby, in the streets, on the steps, and at the door of every parliamentary leader, offering titles to some, offices to others, corruption to all.”

Let me now request your attention to a description given by Plunket of the mode in which the Union was carried :

“ I will be bold to say that licentious and impious France, in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by the professed champion of the cause of civilized Europe against a friend and ally in the hour of her calamity and distress—at a moment when our country is filled with British troops, when the loyal men of Ireland are fatigued and exhausted by their efforts to subdue the rebellion—efforts in which they had succeeded before those troops arrived—while the habeas corpus act was suspended—while trials by court-martial are carrying on in many parts of the kingdom—while the people are taught to think they have no right to meet or to deliberate—and while the great body of them are so palsied by their fears or worn down by their exertions, that even the vital question is scarcely able to rouse them from their lethargy—in a moment when we are distracted by domestic dissensions—dissensions artfully kept alive as the pretext of our present subjugation, and the instrument of our future thralldom.”

Such, gentlemen, is the description given of the means by which the Union was carried. You know how much money was spent in the purchase of rotten boroughs. You know that three millions were expended in the actual payment of persons who voted for the Union. You know that there was no office in the state, no office from the highest in the church to the lowest in the constabulary, that was not used to gain the desired purpose. There was more fraud, corruption, and iniquity employed in the carrying of the Union, than perhaps ever accompanied any public transaction. You will easily imagine the result. The Union has been destructive to Ireland ; you feel this yourselves ; you see it by the state of your streets ; you know it by the position of your commerce. Having shown you the general spirit of the English government—having adverted to the finality as intended by the treaty of 1782—having shown you the extreme advantages and prosperity of Ireland from the independence of her own parliament—having shown you the means by which the Union was carried, I come now to detain you for as short a time as possible by a reference to the evil results of that measure. In the year 1794 the Irish debt was only seven millions ; in the year 1798 it had increased to fourteen millions. At the last-named



period, the English debt was, at least, £350,000,000. At the time of the Union, Ireland owed 21 millions—England 446 millions. What were the terms of the Union? They were these—that England was to bear forever the burden of these 446 millions, and consequently, for its interest and charge, the burden of a separate taxation of seventeen millions annually, and that Ireland was not to be charged with that 446 millions at all for its principal or interest. But were these conditions complied with? No; of course they were not, and Ireland now owes every penny of that stupendous sum. You are charged with every farthing of it; and, notwithstanding all the distinct promises of Castlereagh, the lands, the properties, the labors, the industry of the Irish people—all, all are liable to be mortgaged for the debt.

That you may have some idea of the mismanagement as to finances, and that you may know how much has been done to accumulate the Irish debt and to relieve England's, I refer you to the finance report of the public expenditure. Recollect that the Irish parliament had an interest in keeping the people of Ireland out of debt; recollect that England owed 446 millions, and that Ireland owed 21 millions. The Irish parliament has been often assailed, but could there have been a more protective parliament, one that would tend to keep the country more free from debt? The English parliament were throwing away money; the Irish parliament were thrifty and economical, keeping down the public debt. In 1822, Sir John Newport remonstrated. He says :

“Ever since the Union, the imperial parliament had labored to raise the scale of taxation in Ireland as high as it was in England, and only relinquished the attempt when they found it was wholly unproductive. For twelve years he had remonstrated against this scheme, and had foreseen the evils resulting from it of a beggared gentry and a ruined peasantry. Ireland had four millions of nominally increased taxes, while the whole failed as a system of revenue, and the people were burdened without any relief to the treasury. It would be found, as it was in some countries, that the iron grasp of poverty had paralyzed the arm of the tax-gatherer, and limited in this instance the omnipotence of parliament. They had taxed the people, but not augmented the supplies; they had drawn on capital—not income; and they, in consequence, reaped the harvest of discontent, and failed to reap the harvest of revenue.”

Lord Lansdowne, also, in making a motion on the state of Ireland in the same year, said :

“The revenue in 1807 amounted to £4,378,241. That between that year and 1815, additional taxes had been imposed, which were estimated to produce £3,376,000 ; and that so far from an increase to the revenue having been the result, there was a great decline—the revenue in 1821 having been only £3,844,889, or £533,000 under the amount before the imposition of the three millions and a half of new taxes. He had, on a former occasion, stated it to be his opinion that the repeal of the taxes in Ireland would tend mainly to the revival of manufactures in that country, and bringing it into a prosperous condition. It was objected to him on that occasion, that he sought, by giving large and exclusive advantages to Ireland, to raise her up into a manufacturing country, which should make her the rival of England and Scotland. While he disclaimed any such intention, he feared Ireland was far indeed from any such prosperity.—*Hansard*, vol. xi., page 659.

GENERAL ABSTRACT OF TAXES REPEALED OR REMITTED SINCE 1800.

	GREAT BRITAIN.	IRELAND.	
Customs.....	£7,929,567.....	£635,200	
Excise,.....	14,093,638.....	368,530	
Stamps.....	443,634.....	152,609	
Post Office.....	130,000.....	13,193	
Property Duty..	14,617,823.....		
Windows.....	1,577,773.....	179,403	
House.....	250,000.....	53,673	Hearth.
Servants.....	472,061.....	42,988	
Carriages.....	391,796.....	71,086	
Horses.....	1,172,034.....	67,524	
Dogs.....	6,876		
	<hr/>	<hr/>	
	£41,085,202	£1,584,211	

The taxes repealed or remitted in Ireland being one twenty-sixth part of those repealed in Great Britain.”

From Finance Report of Public Expenditure, 1815 :

“That for several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, including the extraordinary and war taxes, the permanent revenue of Great Britain having increased from the year 1801 to the proportion of 16½ to 10 ; the whole revenue of Great Britain, including war taxes, as 21½ to 10 ; and the revenues of Ireland in the proportion of

23 to 10. But in the twenty-four years referred to your committee, the increase of Irish revenue has been in the proportion of 46½ to 10!"—*Session 1814–15, vol. vi.*

"The annual amount of taxes repealed in England since the peace is £47,214,338, and the amount of taxes repealed in Ireland in the same period is £1,575,940, the taxes repealed or remitted in Ireland being one thirtieth of those remitted or repealed in Great Britain. Here is another table, composed of the same materials, and coming out of the same shop, makes the quantity repealed in England only £41,085,202, but it leaves the quantity repealed in Ireland the same number as mentioned above, or a little more—it makes it £1,584,211."

Gentlemen, would that occur in an Irish parliament? If he was accused of making Ireland what she ought to be in commerce and manufactures, would he have disclaimed any such intention? And what must have been that spirit of parliament toward Ireland, which made it necessary for a statesman to disclaim anything so atrocious, so outrageous, and so abominable, as the intention of making Ireland the rival of England and Scotland? You perceive from this the fatuity and folly of transferring the management of your affairs to a parliament wherein it was considered a reproach to make Ireland the equal of those countries, and how it is the imperative duty of every man who takes a part in politics to come forward and have a legislature which will not consider it a reproach but a praise to endeavor to make Ireland the rival of every country in commerce and manufactures. This fact speaks trumpet-tongued, and with a voice that, I trust, will rouse you to just indignation against any attempt that may be made to put down the natural uprising—the peaceable and tranquil uprising—of the entire Irish people to obtain the benefit of a native parliament. There is a document here, which I cannot avoid quoting for you :

"The enormous excess of British over Irish debt at the Union left the British minister no excuse for their consolidation, and accordingly it was arranged that the two debts should continue to be separately provided for. The active expenditure of the empire (i. e., the expenditure clear of charge of debts) was to be provided for in the proportion of two parts from Ireland to fifteen from Great Britain. These proportions were to cease, the debts were to be consolidated, and the two countries to contribute indiscriminately by equal taxes so soon as

the said respective debts should be brought to bear to each other the proportions of the contributions, viz., as 2 to 15 ; provided, also, that the fiscal ability of Ireland should be found to have increased. Now, the 2 to 15 rate of contribution was denounced at the time by Irishmen as too high for Ireland, and afterwards so admitted by the British ministers themselves. Its consequence was to exhaust and impoverish her to such a degree, that her debt in sixteen years increased 230 per cent., while the British only increased 66 per cent. This disproportionate and unjust increase of the Irish debt brought about the 2 to 15 proportion between it and the British debt..”

It is delightful to me to have an opportunity of stating these facts in a place from which I know they will be extensively circulated.

“ Advantage was taken of that single branch of the contingency contemplated in the Union Act, although the other branch of the contingency—viz., the increase of Ireland’s ability, had not only occurred, but by the confession of the English ministers themselves, in 1816, the very contrary had occurred—namely, Ireland had become poorer than before. Advantage, we say, was taken of that single branch of the contingency to consolidate the debts, to do away with all measure of proportionate contribution, and place the purse of Ireland, without restriction or limit, in the hands of the British Chancellor of the Exchequer, thenceforward to take from it, and apply as he liked, every penny it did then and might at any farther time contain, and rob Ireland of all chance of benefit from any surplus of revenue thenceforward and forever.”

Here we find that England was increasing the taxation of Ireland at the rate of £4,000,000 per annum, and such was the state of Ireland, that instead of this new taxation producing one sixpence of revenue, the actual precedent revenue fell £500,000 in the ensuing year. The debt of Ireland increased 230 per cent., while that of England increased only 60 per cent. Can it be possible that any one will say that that increase was necessary. What prosperity can you have under such a state of things? The moment you have any prosperity it will be converted into English revenue. The moment you are able to bear a new tax, it will be used not only to pay off your own debt, but to maintain increased English expenditure. Was there ever anything which required greater vigilance than the pecuniary management of the country? I have given you the most galling instances of the abuse of the power of mismanagement. I have given those instances from what, if they

were not parliamentary documents, you would hesitate to credit the amount of robbery so open, plunder so obvious and so extensive, the accumulation of debt so entirely inconsistent with the supposed details of the Union—so inconsistent with all that could occur under anything like proper management.

You, gentlemen, are familiar in private life, with the evil effects resulting from giving to others, even the most disinterested persons, the management of your concerns; and it is with nations as with individuals. But then, you may be told that when the peace came, there was a relaxation and a diminution in the taxation. I will tell you what there has been—there has been a diminution of taxation in England of £41,085,202, but in Ireland, the diminution has been only £1,584,211; that is in the proportion of  $1\frac{1}{2}$  to 40. That is the way the English strike off taxes for themselves; that is the way they diminished our taxation. There is another bitter ingredient in our cup, that the taxation which, up to 1836, was in Irish currency, was then converted at once into British currency, and by that operation one-thirtieth was added to our taxation. As mercantile men, interested in the prosperity of our country, I ask you, is it possible that there can be prosperity while the management of your concerns are in their power? Your relaxation from taxation depends on their will and mercy. Had you an Irish parliament, they would insist on the accounts being fairly taken. They would pay every penny that Ireland owes, but no more. Can you then, by any verdict, stand between your countrymen and the obtaining of this justice from England? I have shown you what have been the financial effects of this miscalled Union.

I shall now read a document of great importance, as to the means by which the Union was carried. It is the protest of nineteen Irish peers against the Union.

[Here the honorable and learned gentleman read a protest, which was signed Leinster, Meath, and several others of the peers of Ireland.]

This, gentlemen, is the authentic declaration of the Irish peerage, in reference to the atrocity committed against this

country, by the carrying of the act of Union. I am sure there is not one of their descendants who does not glory that his ancestor signed that protest, and I trust we will soon have an opportunity of seeing those descendants carrying the intentions of their ancestors into effect, and taking their seats in a parliament in College Green. Among other evils resulting from the Union, is the inadequacy of the representation of Ireland, as contrasted with that of England, and in particular the infinitely less voice of the people of Ireland, by reason of the inadequacy of the register. Gentlemen, the following extract, which is of some length, but great importance, will tend to show the injustice done to Ireland in the nominal Union, by giving something like an adequate proportion of representatives to England, but denying to Ireland a similar advantage. I am anxious to read this now, and cast it before the public, because there appears to be something like a disposition to concede something on this point. Last year we were told there was a termination to concession. This year we are told that something will be done in the extension of the parliamentary franchise. You will see how necessary this is :

“The result of the injustice done to the people of Ireland by the restriction of the elective franchise is made manifest by a contrast between the population of the several counties of England, and the number of registered voters therein, with the population and number of registered voters of the different Irish counties. We take our statement of numbers from the parliamentary papers, and by comparing the least populous counties in England with the most populous in Ireland—Westmoreland and Cork, for instance—we find the following result : The rural population of Westmoreland is 43,464, and its number of registered voters after the Reform Act, amounted to 4,392. Nearly one out of every ten inhabitants. Whereas, in the county of Cork the population is 703,716, and the number of electors registered after the Irish Reform Act, was only 3,835, being scarcely one out of every two hundred of the inhabitants.

“We ask, therefore, is this to be endured ?

“I may now mention the effect in particular localities. In Wales the population is 800,000—in Cork the rural population is 713,716. How are they respectively represented in parliament ? Wales, with 800,000 inhabitants, has 28 members of parliament ; the county Cork, with nearly the same population, has but two members of parliament ; the county Mayo, with 400,000 inhabitants, has but two members of parliament ; Wales, with 800,000 inhabitants—only double the number—has 28 members of

parliament. The people of Ireland don't know these things, but I will take care they shall know it; and I anticipate easily the result. I will just give another specimen—I will take five counties in each country to show you how the representation stands. Cumberland, with a population of 126,681, has four members; the county of Cork, with a population of 713,716, has but two members. Leicestershire, with a population of 197,276, has four members. Tipperary, with a population of 390,598 has but two members. Northampton, with a population of 179,276, has four members. The county of Down, with population of 338,571, has but two members. Worcestershire, with a population of 211,356, has four members. The county of Galway, with a population of 381,407, has but two members. Wiltshire, with a population of 239,181, has four members. Tyrone, with a population of 302,945, has but two members. That is to say—five English counties, with a population of less than a million—that is, with a population amounting to 953,770—have twenty members; and five Irish counties, with a population of 2,116,167 persons, have only ten representatives. Now let me show you the number of electors in six counties. Westmoreland, with a rural population of 43,464, has 4,392 registered electors. Cork, with a rural population of 713,716, has 3,835 registered electors. Bedford, with a rural population of 88,524, has 3,966 registered electors. Antrim, with a rural population of 316,909, has 3,487 registered electors. Hertford, with a rural population of 95,977, has 5,031 registered electors. Galway, with a rural population of 381,564, has 3,061 registered electors.

“Here is Westmoreland, with less than one fourteenth of the population of Cork, and yet it has an absolute majority of 557 registered voters. Is this to be called reform?”

“Again, take the county of Bedford, with a rural population of 88,424 inhabitants; its registered voters under the Reform Act were 3,966, while Antrim, with a population of 316,909, had only 3,487 registered voters—that is, Bedford had an absolute majority of near 500 voters over Antrim, notwithstanding the enormous disproportion in the number of its inhabitants.

“Hertford, with a population of 95,977 inhabitants, had 5,013 registered voters, while Galway, with 381,564 inhabitants, had only 3,061 voters.”

“Rutlandshire, the smallest county in England, with only 19,335 inhabitants, had 1,296 votes, while Longford, with 112,558 inhabitants, had only 1,294, absolutely two less than Rutlandshire.

“Again, Huntingdon, with a population of 47,799 inhabitants, had 2,647 voters, while Donegal, with a population of 289,149, had only 1,448 voters; and Limerick, one of the wealthiest counties in Ireland, with an opulent agricultural population 248,801 inhabitants, had only 2,565 electors.

“Nay, even the Isle of Wight, with only 28,731 inhabitants, had 1,167 voters, while Mayo, with 366,328 inhabitants, had only 1,350 voters, and

Protestant Tyrone, with a population of 310,000 inhabitants, had only 1,151 electors, absolutely 16 voters less than the Isle of Wight.

“The Island of Anglesea also, with a population of only 33,508 inhabitants, had 1,187 voters; while Kildare, with 108,424 inhabitants, had only 1,112 voters; and Kerry, with 265,126 inhabitants, had only 1,161 voters, just 26 voters less than Anglesea, and 6 less than the Isle of Wight.

“Even if we compare the largest counties in both countries. Yorkshire, with an agricultural population of 913,738 inhabitants, and Cork, with a population of 703,716, we find that the English county had 33,154 electors, while the Irish one had only 3,385.

“We find, therefore, that England, in her rural population of 8,336,000 inhabitants, had 344,564 county voters, while Ireland, in a similar proportion of 7,027,509 inhabitants, had only 60,607 registered electors.

“The consequence of all these defects in the Irish Reform Act is, that the disproportion between the number of electors in English and Irish cities and boroughs, when compared to the relative population, is as great as in the counties. For we find from the same returns that, after the Reform Act, Exeter, with a population of 27,932 inhabitants, had 3,426 voters—Hull, with 46,746 inhabitants, had 4,275 electors—while Waterford, with a population of 28,821 inhabitants, had only 1,278 electors, being in the ratio of 3 to 1.

“Again, comparing the largest cities and boroughs in Ireland, with the smaller ones in England, we find the following results:

“Worcester, with a population of 27,313 inhabitants, has 2,608 voters, while Limerick, with a population of 66,554 inhabitants, has only 2,850 electors.

“Chester, with only 21,363 inhabitants, has no less than 2,231 voters, while Belfast, the wealthiest and most commercial city in Ireland, with 53,000 inhabitants, had only 1,926 electors.

“The city of Cork, with 110,000 inhabitants, had only 3,650 electors, including the non-resident freemen, while Newcastle-upon-Tyne, with a population of 42,260 inhabitants, had 4,952 voters. Preston, with a population of 33,112 inhabitants, had 4,204 electors—both of them more than Cork, which last city has more than treble the number of inhabitants, of either of the other two; and Bristol, with 104,338 inhabitants, not equal to the population of Cork, has 10,347 voters, being three times the constituency of the Irish city.

“If, too, we compare the smaller boroughs in both countries together, we find that those which barely escaped schedule A, with populations varying from 2 to 3,000 inhabitants, have more electors than the boroughs in Ireland, retained by the act of Union, with from 10 to 12,000 inhabitants.

“For example, Wallingford, Launceston, Wareham, Arundel, have all under 3,000 inhabitants, while the electoral constituencies in all exceed 300 voters. However, in Athlone and Bandon, with over ten thousand



inhabitants in each, the votes do not exceed 250, and in many others, such as Kinsale, Coleraine, and New Ross, the available constituency falls short of 200 voters.

“If, also, we compare the metropolitan constituencies of both countries, where an equality in household value may be expected, we find that Dublin, with a population of 210,000 inhabitants, had only 9,081 voters, including all the bad freemen lately manufactured by the corporation, while the city of London, with a population of only 122,000 inhabitants, had 18,584 electors, and only 17,315 houses above £10 value.

“Nothing can more clearly illustrate the disadvantages under which the Irish cities labor, with respect to the £10 household franchise, than the comparison of the number of houses of £10 a year clear value in London, and the number of electors upon that qualification, with the number of similar houses in Dublin, and of similar electors. These facts appear from the parliamentary returns. The number of £10 houses in the city of London is 17,315, and the number of electors appears to be 18,584; while in Dublin, the number of houses of £10 value, according to Sherard’s valuation, amounted to 14,105, while the number of electors only amount to 9,081. Thus, in the city of London, there are more electors than £10 householders, whereas, in the city of Dublin the aggregate of electors does not amount to within one third of the number of £10 householders.

“*Wales compared with Ireland.*—Wales has a population of 800,000. In Cork the rural population is 713,716. How are they respectively presented? Wales has twenty-eight members; Cork, with nearly the same population, has but two.”

Here is a parliamentary paper; it was published in 1832, and the sessional number is 206. It states the relative amounts of the English, Scotch, Welsh, and Irish revenue in that year, and there is no similar paper of a later date that I am aware of. The Irish revenue was £4,392,000. The Welsh revenue was £348,000.

This is the exhibition which there turn makes of what the honorable member considers the superior wealth of the principality of Wales. That principality, in point of fact, falls below Ireland in any of those pretensions to representation founded upon wealth. I have looked into the amounts of the revenue collected in the single port of Cork, and they exceed that of the principality of Wales. There are no annual records to be referred to in such a case, but I find that in one year the customs of Cork amounted to £263,000, and that in another year the excise amounted to £272,000. These amounts

give, I believe, a fair average view of the revenues collected in the port of Cork, and their total is £535,000. The receipts of Wales are only £548,000. Cork, then, is entitled to more members than the entire principality of Wales, on these very grounds on which Great Britain justifies her overwhelming numerical superiority in the House of Commons. If Wales have not a representation disproportioned to her wealth, Cork ought to return 43 members to parliament.

This is the way Ireland has been defrauded in her franchise, her representation, and in every one of the details of the Union measure. But are there no other evil results from the Union? Is it not injurious in its consequences to your commerce, your agriculture, and your manufactures, to have a distant legislature? I had many particulars to lay before you, showing the state of different trades in Dublin, and how they had been injuriously affected by the total neglect of an English parliament; but I shall for the present take for example the coal trade. I have extracts from seven or eight volumes of the Reports of the Chamber of Commerce upon that trade, which I shall read to you. [The honorable and learned gentleman then read the passages and proceeded.] Why have I read these to you? I will tell you. For eight years the merchants of Dublin, the merchants of Ireland, complained of the hardship to their trade. The Tories were in office, and they were succeeded by the Whigs. This plain and palpable violation of the act of Union was established, clearly proved, and yet there was no redress from Whig or Tory. At length the agitation for Repeal commenced, the discussion of the question was coming on, and the Whigs put an end to the grievance; and what they would not do in justice to the mercantile interests they did at length from a prudent and proper motive, and the articles of the Union were, in that respect, carried into effect, and the duties taken off coal. Gentlemen, I ask you, is it not a sad consequence of the Union, the enormous expense incurred in obtaining any private bill in London respecting property, railroads, or any other matter it may be necessary to obtain it for. There is the expense of going to London, the loss of time there, and the heavy cost of passing any such bill through a committee. What has lately hap-

pened in your own neighborhood? The Dublin and Drogheda railway bill cost £28,000 before it was passed. If the parliament was in Dublin, £1,000 would be more than it would be necessary to expend upon it, and I defy any man to carry a private bill there, particularly if there should be any opposition to it, without a proportionate expense. Can anything be more frightful than the expense of election committees? Every witness must be taken to England, and must be kept there, and if he should be sent back after his examination, or otherwise out of the way, you have a chance of losing your seat as well as all your expenses. Is it worthy that the entire of the expense should be circulated in London and not one farthing of it in Dublin, and not a single Irish lawyer receives even a solitary fee out of it, while such vast sums are expended in the complicated machinery of bringing a petition before a committee of the House of Commons in London? Every shilling goes into the pockets of the English barristers practising there. Gentlemen, the expenditure of public establishments in this country before the Union produced a considerable mitigation of the taxation. What is now become of all those boards? Where is the treasury board? Transplanted to England. Where is the excise board? Transferred to England. The customs board? Transferred to England. The stamp-office and others are greatly diminished, and progressing to extinction—even the Old Man's Hospital is extinct. Is this principle of centralization fair which produces all those advantages to England, and all this misery to Ireland? I shall now ask your attention to a statement of the number of English and Scotchmen appointed to offices of the state in Ireland. I take it from the Mail. Let me first observe that the Lord Lieutenant of Ireland is an Englishman; the Chief Secretary is an Englishman; the Lord Chancellor is an Englishman. The writer in the Mail proceeds, in answer to an article in the London Times relative to this topic of complaint:

“The Archbishop of Dublin is an Englishman; the chief administrator of the Irish Poor Law is an Englishman; the paymaster of Irish civil services is a Scotchman; the chief commissioner of Irish public works is an Englishman; the Teller of the Irish Exchequer is an English-

man; the chief officer of the Irish constabulary is a Scotchman; the chief officer of the Irish post-office is an Englishman; the Collector of Excise is a Scotchman; the head of the revenue police is an Englishman; the second in command is a Scotchman; the persons employed in the collection of the customs are English and Scotch—in the proportion of thirty-five to one.”

“But the Times may perhaps observe—‘True; but all this is only the elucidation of unbarring the gates of preferment, unsparingly and honestly.’ Scotchmen and Englishmen are placed in office in Ireland, and Irishmen, in return, in Scotland and England, in order to draw closer the bonds of union between the three united nations.

“Again—let us see how facts actually stand. There are cabinet ministers—Englishmen, 10; Scotchmen, 3; Irishmen, 0.

“The Duke of Wellington scarcely considers himself an Irishman, and certainly cannot be called a representative of Irish interests in the cabinet.

“Lord of the Treasury—Englishmen 4, Scotchmen 1, Irishmen 1. Clerks of the Treasury—Englishmen and Scotchmen 112, Mr. Fitzgerald (query an Irishman?) 1. Members of the Lord Steward’s and Lord Chamberlain’s Household—Englishmen and Scotchmen 225, Irishmen 4. British Ministers to Foreign Courts—Englishmen and Scotchmen 131, Irishmen 4. Poor Law Commissioners—Englishmen 3, Irishmen 0.” “We presume,” adds the editor, “that these facts show that the natives of the three kingdoms are all placed upon an equal footing! the chances of access to preferment to an Englishman or Scotchman in Ireland, being in the few instances that have occurred to us while writing, as 6 to 0; while the probability of an Irishman obtaining place in England, appears, from an analogous calculation, to be in proportion of 491 to 10, or as 1 to 50. He could easily swell, he adds, this list, were it necessary.”

I have read that to you to show the meaning of the phrase “Ireland for the Irish, and the Irish for Ireland.” It is a perfect fallacy, a delusion to assert that the Irish are indemnified by promotions or appointments in England for the loss of the appointments at home. The places in England and Scotland are few enough for Englishmen and Scotchmen, and they give them the places in Ireland in addition. I proceed, gentlemen, to show you other evil results from the Union. I quote from Fox’s remarks upon the state of the nation in 1807. The Union was atrocious in its principle and abominable in its means. It was a measure the most disgraceful to the government of the country that was ever carried or proposed. So far was he from thinking that Great Britain had a right to

govern Ireland if she did not choose to be governed by us, that he maintained that no country that ever had existed or did exist, had a right to hold the sovereignty of another against the will and consent of that other. I have given abundance of proof from extracts I have read of the prosperity of Ireland under the fostering care of her own parliament; but I will quote a little further. I will show by reference to parliamentary papers the decrease from 1800 to 1827, of consumption in Ireland, compared with the increase in England. I find the respective consumption of tea, coffee, sugar, tobacco and wine, from the time of the Union to the year 1827, to be stated in the following manner;

Tea,.....	Increase in England.....	25	per cent.
	Increase in Ireland.....	24	“
Coffee,.....	Increase in England.....	1800	“
	Increase in Ireland.....	400	“
Sugar,.....	Increase in England.....	26	“
	Increase in Ireland.....	16	“
Tobacco,.....	Increase in England.....	27	“
	Decrease in Ireland.....	37	“
Wine,.....	Increase in England.....	24	“
	Decrease in Ireland.....	45	“

DECREASE OF CONSUMPTION IN IRELAND FROM 1802 TO 1823,  
FROM TABLES PUBLISHED BY MR. HALLIDAY.

IMPORTED INTO IRELAND.

		lbs.	
Green Tea, ....	1802.....	152,674	
	1823.....	28,168	
Decrease, .....		<u>114,506</u>	lbs., or about $\frac{2}{3}$ ths.
Port Wine, ....	1802.....	4,487	
	1823.....	1,014	
Decrease, .....		<u>3,473</u>	tuns, or about $\frac{1}{3}$ ths.
French Wines,..	1802.....	454	tuns.
	1823.....	121	
Decrease, .....		<u>333</u>	tuns, or about $\frac{1}{3}$ ths.

Those who defend the Union and advocate its continuance are in the habit of averring that our trade in the exportation

of cattle has greatly increased since the passage of that measure, which in my mind has operated with a most disastrous influence on the fortunes of my country. But gentlemen, I hold in my hand a document which demonstrate to you that this is a delusion, and will make you clearly understand how the real facts of the case are. Our cattle export has diminished by the Union. Hear how the facts really are.

“The defenders of the Union ordinarily lay much stress on the increased export of cattle, sheep, and provisions, since that measure. This export, however, is from a starving people; and being so, the argument as to its great value to Ireland is not one to waste much time in considering. A curious fact has come out with reference to this subject. A return appeared in all the Dublin papers, last November, of the number of sheep and horned cattle at the great fair at Ballinasloe, every year from 1790 to 1842. The following extracts from it, we put in the same table, with figures, from a parliamentary return of 1843, and the Irish Railway Report, showing the export of the articles mentioned in two of the years included. We have no return of the export last year.

1799.—Sheep, 77,900; exported, 800. Horned cattle, 9,900; exported 14,000.

1835.—Sheep, 62,400; exported, 125,000. Horned cattle, 8,500; exported, 98,000.

1842.—Sheep, 76,800; horned cattle, 14,300.”

The question naturally arises—what became of the 77,000 surplus sheep in the first year as well as the sheep at other fairs? They were eaten at home.

“As to oxen, 14,000 went away in 1799, and 98,000 in 1835; yet if we test the product of all Ireland in the former year, by the most sufficient criterion of the amount at Ballinasloe fair, we shall find that Ireland had then more for sale than in 1835, and consumed the greater part of her surplus over her export—exporting the remainder in the more valuable form of provisions.

“The parliamentary documents quoted before enable us to show what the export of provisions was in the years 1799 and 1835:—in the year 1799 there were exported 14,000 cattle, 4,000 swine, and 278,000 barrels of beef and pork; in 1835, 98,000 cattle, 76,000 swine, and 140,000 barrels of beef and pork. There has then been since the Union a decrease of the more valuable export, viz., provisions—valuable because of the labor employed at home in their manufacture, and an increase of the less valuable, viz., the live animals—less valuable to a country as an article of export, by reason of the small quantity of employment which is given in the preparing of it.

“As the diminution of the number of barrels of beef and pork will not by any means account for the great increase of the live export—while the whole number of cattle produced in Ireland in 1835 was, at any rate, not greater than in 1799—it follows that much of the excess of live export in 1835 must have been by deduction from the number previously consumed at home, and therefore that the home consumption in the latter year was considerably less than the year before the Union, notwithstanding the cent. per cent. increase of population.”

Gentlemen, you must bear in mind that the trade of cattle exportation is much more beneficial to the population of a country than made-up provisions. The increase in cattle exportation trade is indicative of a country's prosperity in a degree much more eminent than the increase in the provision trade. In fact, an increase in the latter branch of commerce is rather indicative of distress among the people. In the one case we have an evidence of prosperity, and in the other a clear proof of poverty and destitution. In 1833 Mr. Boyton gave us the advantage of a clear research upon this subject. Permit me to read it for you :

“The exports and imports, as far as they are a test of a decay of profitable occupation—so far as the exports and imports are supplied from the parliamentary returns—exhibit extraordinary evidences of the condition of the laboring classes. The importation of flaxseed, an evidence of the extent of the most important source of employment, was, in 1790, 339,745 barrels ; 1800, 327,621 barrels ; 1830, 460,458 barrels. The importation of silk, raw and thrown, was, in 1790, 92,091 lbs. ; 1800, 79,860 lbs. , 1830, 3,190 lbs. Of unwrought iron, in 1790, 2,271 tons ; in 1800, 10,241 tons ; in 1830, 871 tons. Formerly we spun all our own woolen and worsted yarn. We imported in 1790 only 2,294 lbs. ; in 1800, 1860 lbs. ; in 1826, 662,750 lbs.—an enormous increase. There were, I understand, upward of thirty persons engaged in the woolen trade in Dublin, who have become bankrupts since 1821. There has been, doubtless, an increase in exports of cottons. The exports were—in 1800, 9,147 yards ; 1826, 7,793,873. The exports of cotton from Great Britain were—in 1829, 402,517,196 yards, value £12,516,247, which will give the value of our cotton exports at something less than a quarter of a million—poor substitute for our linens, which in the province of Ulster alone exceed in value two millions two hundred thousand pounds. In fact, every other return affords unequivocal proof that the main sources of occupation are decisively cut off from the main body of the population of this country. The export of live cattle and of corn has very greatly increased ; but these are raw materials ; there is little more labor in the production of an ox than the

occupation of him who herds and houses him ; his value is the rent of the land, the price of the grass that feeds him, while an equal value of cotton, or linen, or pottery, will require for its production the labor of many people for money. Thus the exports of the country now are somewhat under the value of the exports thirty years since, but they employ nothing like the number of people for their production ; employment is immensely reduced : population increased three eighths. Thus, in this transition from the state of a manufacturing population to an agricultural, a mass of misery, poverty, and discontent is created."

By this statement you will see that the importation of yarn increased, but that is no subject for felicitation, inasmuch as that increase was obtained at the expense of a diminution in the home manufacture of the article. The next document to which I will take the liberty of directing your attention, is a report by Dr. Stack, in reference to the state of a valuable charitable institution in this city. It is an important document, as clearly evidencing the effects of the Union upon institutions of this kind :

"The Sick Poor Institution, since its establishment in 1794, has shared in the sad reverses which the locality has undergone over which its operations extended. The liberties of Dublin, once the seat of manufactures and of wealth, have degenerated into the habitation of the decayed or unemployed artisan ; the abode of fashion has now become proverbially the haunt of vice, and poverty, and of disease ; hence while the necessity for such an institution as this has become every day more urgent, the supporters of it have proportionally diminished—as the objects of relief have increased its friends have decreased. In order at once to perceive this altered state of things, a mere inspection of the returns made at different periods is all that is necessary. In 1798, patients, 3,640—income, £1,035 17s. 1d. ; 1841, patients, 6,159—income, £927 4s. 10d."

Thus you will perceive that while the patients increased four fifths, the income of the institution has decreased in the proportion of three fourths. I have now to submit to your consideration some melancholy details illustrating the disastrous effects of the Union upon our national industry. The statement may be relied on as strictly authentic. [Here the learned gentlemen read the extract alluded to.] There is scarcely a trade in Dublin concerning which I could not, did I not fear to trespass at too great length upon your attention, give you details equally distressing ; for, alas, equally authentic



details showing a daily decrease of employment, and a daily increase of misery and distress—showing how men who were once opulent manufacturers are now reduced to absolute beggary—showing this fact, which is more eloquent than a thousand arguments, that whereas before the Union, there were 68,000 operatives in Dublin, there are at present only 4,000. About a year since I made inquiries into the state of the Liberty, which has been well described to consist of one mass of ruins: and the following description was handed to me. [Here the learned gentlemen read the extract alluded to.] Need I dwell upon the evidences of ruined greatness and fading prosperity which every moment meet your eye, as you walk through the streets of Dublin? Need I tell you how prosperity, happiness, and affluence, were once found to reside, where nothing now can be found but misery, distress, and desolation? I have a statistical statement of the decay of house property at hand, but I will not trouble you with a lengthened detail of it at this hour of the day. Take two or three of the leading mansions of the city, and mark to what they have been reduced. What has become of the house that was once the noble mansion of Lord Powerscourt's family? It had been a stamp office; it is now the counting-house of a respectable firm in the cotton, silk, and woolen trade. What has become of Lord Moira's house—that house which had once been the residence of the Plantagenets in this country? Alas! are you not well aware that it is now the Mendicity? And that magnificent edifice the Belvedere house, what sad reverses has it experienced! It cost £28,000 in the building—the stairs alone cost £3,000, but the whole premises were the other day sold for a school to the Jesuits for eleven hundred pounds; and are these melancholy spectacles day by day, and hour by hour, to be displayed before our eyes, and are we to make no effort to retrieve the fallen fortunes of our country? Are the men who would restore her to her pristine prosperity to be menaced with a dungeon? Are the men who endeavor to succor and defend her to be branded as malefactors and conspirators? It is to you, gentlemen, that I appeal for a solution of this proposition. I have established my position; I have shown the prosperity of Ireland before the Union; I have shown the advantages to be secured to Ireland by a res-

toration of her domestic parliament; I have shown how manufacturers have been reduced to the condition of operatives, and operatives to the condition of mendicants, by the ruinous effects of that disastrous measure—all that have I shown and nothing more—and for that I am to be persecuted and for that I am to be prosecuted as a conspirator! I have shown you the results of the Union, and have I not displayed to your eyes a picture the contemplation of which renders it the duty of all honest and true hearted men to endeavor to remedy this state of things? That we are combined for Repeal is our pride and boast; but that we are combined together for any illegal or criminal purpose is an idea which, with scorn and indignation, we repudiate. Even before the Union was introduced, the moment there was an apprehension of its being introduced, coupled, as it was then said to be, with Catholic emancipation, the Catholics of Dublin held a meeting in Francis-street, on the 9th of April, 1795, John Sweetman in the chair, at which they expressed their indignant refusal to accept emancipation coupled with any Union measure. The first time I addressed a public assembly was on the 13th of January, 1800. It was my maiden speech. Pray listen to the last passage in the speech, and you will find that the ruling principles of my entire political life are all embodied in it, and that my views were anything, and are anything, but sectarian.

[Mr. O'Connell then read the passage from his speech.]

That was my first public declaration. In the sincerity of my soul I made that declaration—in the sincerity of my soul I made that offer. It might have been taken up; there was a strong party in the country at that time highly unfavorable to the Roman Catholic claims. But I risked it, and I repeat, in the sincerity of my soul, I made the declaration that I would prefer the re-enactment of the penal code, in all its horrors, rather than consent to the Union; and I threw myself on the generosity of my fellow-countrymen, the Protestants of Ireland. Gentlemen, in 1810, you have already heard, the Repeal was brought forward, and public meetings were held in the city of Dublin. My speech upon one of these occasions has been read for you. I won't distress you by reading any-

thing like the entire of it; but allow me to read for you the concluding passage, because it turns on a topic I am now discussing.

[The honorable and learned gentleman read the passage alluded to.]

Is that sectarianism? Is that preferring the interests of a party or portion of the people to the nation at large? Sectarianism! Why, gentlemen, you cannot but be aware that the cause of the Protestant dissenters of England was warmly advocated by me—that it was I drew up the petition in favor of the English Protestant Dissenters—that that petition was signed by twenty-eight thousand Catholics, passed at meetings of the association, and afterwards at the great aggregate meeting of Catholics, and that petition which I drew up was not upon the table of the House of Commons six weeks when the Protestant Dissenters of England were emancipated. I therefore treat with contempt and indignation the idea of sectarian difference; and again, throughout the entire volumes that have been presented to you, has there been one word of a bigoted description found among them?

I have made more speeches than any other public man that ever existed—I have been more abused than any other man, but amidst all their calumnies they never flung upon me an accusation of bigotry against my fellow beings of any other persuasion. I have been calumniated in everything else—in that I have been spared, and why? because the folly and futility of the calumny was so excessive that even my calumniators spared me on that point. Sectarianism, therefore, is out of the question; but what was our mode? Legal and peaceable, and constitutional proceedings. I need not remind you again that I possess the confidence of the Irish people. I possessed it with a full repetition of my determination that all should be peaceable, with my full declaration that one single act of violence would detach me from the Repeal agitation. But it has been said I made violent speeches. Has any violence proceeded from me? If I have made violent speeches would it not be fair to give me a recent and speedy opportunity of seeing how far the reports of those speeches were

accurate, and what explanatory portions were applicable, and not reserve them for so remote a period. If violence is to be talked of, let us see this violence—it is an article from the *Cheltenham Journal and Stroud Herald*, August 2, 1841.

“What would, in reality, be justice to Ireland?—What would be the greatest blessing that could be conferred on Ireland? The answer to these questions is prompt, and comprised in a single word—conquest. Few are the nations, if any, that are the worse for having been conquered—and in the great majority of instances, as conquest implies superiority, the conquered have been gainers. The Romans conquered, and where they conquered they also civilized.

“Now, Ireland, though under the dominion of England, has never been conquered by her. She may take this in the light of a compliment, or the reverse. To this day she is wild, savage, uncivilized, scarcely human. We speak of the mass of the people—of the aborigines of the island, of the Popish part of the population—of the wretched and ferocious slaves of O'Connell—of those who have never been brought under the gentle sway of the Protestant faith.

“Had Ireland been actually conquered by England it would not have been thus.

“The first step toward the conquest of Ireland would be to send over a commanding military force, not to shed blood, but to prevent the shedding of blood.

“Every individual Popish priest should then be secured, and exiled for life, nor be permitted to return under the penalty of death; and all persons found aiding and abetting a Popish priest in secreting himself, should also be condemned to exile for life.

“These men, the priests, &c., might be shipped for some of the colonies, and there receive allotments of land, and there be kept under strict surveillance.

“Such is a simple outline of the measures for the bloodless conquest of Ireland.

“It is for a Conservative government alone to achieve this glory. Let Sir Robert Peel and his colleagues look to it.”

It appears by those papers that we did not threaten anything, and it appears distinctly that every disclaimer, and repetition of disclaimer, to use anything but peaceable and legal means, was given over and over again. There was no violence of any kind; none whatever had taken place. We are now charged with a newspaper conspiracy, because it is alleged that certain newspapers contained libels. Why, if they did, there is no person in the world more open to or capable of

punishment for an offence than a newspaper proprietor. He is perhaps more in the hands of the law than any other man in existence. There is the stamp office, which must know all about him, and the moment he offends they have nothing to do but call on him to account for his actions. The Attorney-General had this facility if he wished, or if the libel law had been infringed. But there is one thing in the so-called newspaper conspiracy that cannot be got over. Take up the *Nation*, which was read for you—a great deal of prose, and a considerable quantity of poetry—love songs and all, and then take up the *Pilot*, which was also read for you—all prose and no poetry—take up any of these articles, and can you say that one of the journals copied the other? Can they produce any one of these papers where the other copied an article from it? No, they cannot; and they could not charge them with conspiracy unless they joined for that purpose. In place of conspiracy they would find discord, not concord, between them. There was not a particle of combination among them. In fact, there was not only no combination among them, but a kind of rivalry and jealousy relative to these articles. Was that like combination or crime? I will not go into that question at present, as it is so well ascertained. Well, gentlemen, one word about arbitration courts. I shall not trouble you with many observations on that head. One of the great advantages of these courts, however, was the abolition of unnecessary and superfluous oaths. There was no oath taken in these courts at all. Gentlemen, I do not know if it strikes you in the same light as it strikes me, on the subject of oaths; but I think the establishing of such courts a great advantage in that respect. In the superior courts the oath was a different thing; but I ask any Christian man if he would not wish to see unnecessary swearing abolished.

I find by a parliamentary return in 1832 that there were one hundred and seventy-two thousand oaths taken in the excise department, and in another year one hundred and fifty-eight thousand in the excise also. This was an unnecessary profanation of the name of the Deity—one hundred and fifty-eight thousand oaths in one year, and one hundred and seventy-two thousand in another! What an enormous quantity of unnecessary

oaths! In the arbitration courts there was no oath whatever necessary. I shudder at the idea of so many oaths being taken in one year, and I had several conversations on the subject, and Lord Nugent did me the high honor to ask my assistance in bringing in a bill to abolish unnecessary oaths, and substitute a declaration in the stead. I consented, and we succeeded in passing a bill substituting declarations instead of oaths, and I hope I shall see the day when such will be extended even farther, for I abhor the taking of the sacred name of God in vain, and the man who would tell an untruth in a matter of property, would not set the least value on his oath, nor would he at all scruple swearing to what he knew to be false if he thought it ripe for his purpose. I hope, gentlemen, we will see the day when declarations like the Quakers, which are as binding on the conscience as the oath, will be substituted and used as an oath by all Christian men and in all Christian countries. I am sure you will not ascribe conspiracy to that.

Well, gentlemen, I now come to the means by which we were to achieve the Repeal of the Legislative Union. The means are pacific, and I would not adopt any other means for the accomplishment of that sacred object. It was said that the meetings were not commensurate with the objects in view, but the object was one that could not be ascertained if the entire Irish people had not called for the Repeal of that Union. A charge of that description should not be made when the Irish people demanded it. The words of Grattan were that the demand was made backed by the voice of the Irish. I re-echo that word, and the minister was bound to obey that call. We have made the experiment, and we find that the mind of the nation is in favor of a domestic legislature. We have made the experiment—we did not do so without the enunciation of the voice of the Irish people. We have that voice from one end of the country to the other. The voice has gone abroad, and it only remains for the Irish people to call for the restoration of their Irish parliament. When I brought the question before the House of Commons, the members who supported it were few—only one Englishman, and not one Scotchman; but what was the change since that time with respect to the measure? And was it not idle and absurd in the last degree

to say that anything was intended save the regeneration of the country by the most peaceable means? What has the Crown read for you as part of the conspiracy? Why, the rules of the Association.

[He proceeded to read the rules, which were already before the public.]

Mr. O'Connell then continued. This, gentlemen, is the plan of the Repeal Association. No alternative was held out by these rules but the fullest allegiance, the most perfect loyalty, and unqualified peace; and in this way, and no other, was agitation to be conducted. Yet, under these circumstances we have the charge of combination made against us, which amounts to one of conspiracy. That document, gentlemen, is given in proof against us. Well, however, to carry their proof further, the Crown have read two other documents. The first is, "The Reconstruction of the House of Commons," and the second, "The Renewed Action of the Irish parliament." The first of these was signed upon the 14th of May, 1840, and the second upon the 22d of August, 1843. Now, my lords, this has been read against us as evidence of a conspiracy. And although it has been read before, I think it my duty to read it again.

CHIEF JUSTICE.—What is the date of the document you are about reading from, Mr. O'Connell?

MR. O'CONNELL.—The 14th of May, 1840, my lord. Mark, gentlemen, that after taking the scale of representation from the returns of the population of the different towns, it begins at page 7, thus:

[Here the honorable and learned gentleman read the extract.]

Mr. O'Connell then proceeded. Part of that document has been read by the Crown, and it distinctly states that by parliamentary means, and by parliamentary means only, was Repeal to be obtained. I shall call your attention by-and-by to a portion of that document. The next document was also read, and I am entitled to the full force of all it contains. The Crown has no right to select portions from it, and I am entitled to the benefit of the unobjectionable parts, for they had no right to suppress them.

[Mr. O'Connell then read "The Renewed Action of the Irish parliament."]

There, my lords, is the evidence for the prosecution—there is the evidence to prove a conspiracy—there is the evidence to prove illegal means—there is the evidence to prove illegal objects. Gentlemen of the jury, I put it to you, it is not my evidence, 'tis not I produces it, 'tis not we who have called upon it in our defence; though it does contain, I think, an admirable defence; but it is brought before you on the part of the Crown, and produced by the Attorney-General; that is the Attorney-General's evidence, and upon that evidence I call upon you to acquit us—you are bound to believe it; there is the plan for Repeal, what fault do you find with it? There is a theory introduced into it not called upon for practice, but I insist upon my right to discuss that theory. I may be wrong, but it is a great constitutional question which man is at liberty to discuss, and form his opinion upon. The opinion may be erroneous, but the right is undoubted, and I insist upon it that question ought to be considered in a way favorable to the claims of Ireland. The competency of the Irish parliament to pass the Act of Union was discussed long before the Union itself was talked of.

One of the works by which the revolution of 1688 was consolidated, was a book written by Mr. Locke upon government. He wrote it for the purpose of sustaining the Whigs of that day—the Williamite Whigs—to prove that James had no title to the throne, and that William was the lawful monarch of England in consequence of what had happened. That book, gentlemen of the jury, was a class-book in Trinity College at the time the Union passed. It was a book out of which the young men were examined. Shortly after the Union it was found inconvenient to let it remain, and for some reason, I don't know the cause, but it was withdrawn. But at one time it was a book of authority, and requiring not any council to give it authority; it was the great instrument by means of which the revolution of '88 was achieved, the principle of which revolution no man admires more than I do. In Locke's book on government, I find :



“The legislators cannot transfer the power of making laws into other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. The people alone can appoint the form of the commonwealth, which is by constituting the legislature and appointing in whose hands that shall be ; and when the people will have said, “We submit, and will be governed by laws made by such men and in such terms, nobody else can say other men shall make laws for them. The power of the legislature being derived from the people by a positive voluntary grant and institution, can be no other than what the positive grant conveyed, which being only to make laws and not to make legislatures, the legislature can have no power to transfer their authority of making laws, or to place it in other hands.”

No doctrine can be more distinct. No delegated legislature, elected for a time, had power or authority to transfer the rights of their constituents to anybody else. Upon this subject Lord Grey was very explicit.

Lord Grey, then Mr. Charles Grey, said in the British House of Commons :

“Though you should be able to carry the measure, yet the people of Ireland would wait for an opportunity of recovering their rights, which they will say were taken from them by force.”

But I have still more explicit authority. Hear this passage from the speech of Mr. Saurin, spoken on the 15th of March, 1800, read by me on the trial of John Magee, in his presence, and adopted with manliness by the Attorney General of the day :

“Those great men had assisted in the revolution of 1688—they had put down the slavish doctrines of passive obedience, they had declared that the King held his crown by compact with the people, and that when the Crown violated that compact, by subverting, or attempting to subvert, the constitution which was the guarantee and safeguard of that people’s liberty, the crown was forfeited, and the nation had a right to transfer the sovereign power to other hands. They had no notion of the doctrines, which he was sorry to see now received—that the supreme power of the state was omnipotent, and that the people were bound to submit, whatever that power thought proper to inflict upon them. At that day such a monstrous proposition as this would not have been tolerated, though now it began to raise its head and threaten the constitution. But he for one would not admit it ; he would re-assert the doctrine of the glorious revolution, and boldly declare in the face of that House, and of the nation, that when the sovereign power violated that com-

pact, which at its institution was declared to exist between the government and the people, that moment the right of resisting that power accrues. Whether it would be prudent in the people to avail themselves of that right would be another question ; but surely if there be this right in the nation to resist an unconstitutional assumption of power which threatened the public liberty, there could not occur a stronger case for the exercise of it than this measure would afford, if carried against the will of the majority of the nation."

Nothing can be more explicit than that constitutional doctrine ; nothing can be more extensive than its operation. It was asserted by Saurin, quoting the highest authority of the heroes of the revolution of '88, so called, of the persons that carried that revolution, that by the English constitution the principle of passive obedience and non-resistance is totally foreign to our constitution—the right to resist—rather a delicate question—commences when the contract is broken ; but the existence of a constitutional right of that description shows it. The revolution itself would be void if this doctrine were not true. He then goes on to say :

"If a Legislative Union should be so forced upon this country against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation and not a resistance against law."

That was alleged, too, with reference to a period after the Union was carried ; that is, looking to its having all the sanction of form, the great seal of England on the one hand, the great seal of Ireland on the other, and the consent of the Crown given to it ; yet Mr. Saurin, talking constitutional doctrine, declared it to be a nullity, and resistance to it a matter of prudence. And in a second speech of his, which was published in the shape of a pamphlet :

"You may make the Union binding as a law, but you cannot make it obligatory on conscience. It will be obeyed so long as England is strong, but resistance to it will be in the abstract a duty, and the exhibition of that resistance will be a mere question of prudence.

I will be bound by it, says he, as a law, and so say I, but it will be void in conscience and constitutional principle. It will be obeyed as a law, but it will be the duty of the people to exhibit that resistance to it when it is prudent to do so. He

did not mean by that resistance, force, or violence—he meant legal and peaceable means—but by means adequate to the purpose while they keep within the precincts of the law. There is another authority—Lord Plunkett. He says :

“Sir, I, in the most express terms, deny the competency of parliament to do this act. I warn you, do not dare to lay your hands on the constitution. I tell you, that if, circumstanced as you are, you pass this act, it will be a mere nullity, and no man in Ireland will be bound to obey it. I make the assertion deliberately. I repeat it. I call on any man who hears me to take down my words. You have not been elected for this purpose. You are appointed to make laws, and not legislatures—you are appointed to exercise the function of legislators, and not to transfer them—you are appointed to act under the constitution, and not to alter it; and if you do so, your act is a dissolution of the government—you resolve society into its original elements, and no man in the land is bound to obey you. Sir, I state doctrines that are not merely founded on the immutable laws of truth and reason; I state not merely the opinion of the ablest and wisest men who have written on the science of government; but I state the practice of our constitution as settled at the era of the revolution; and I state the doctrine under which the House of Hanover derives its title to the throne. Has the King a right to transfer his Crown? Is he competent to annex it to the Crown of Spain, or any other country? No; but he may abdicate it, and every man who knows the constitution, knows the consequence—the right reverts to the next in succession. If they all abdicate, it reverts to the people. The man who questions this doctrine, in the same breath must arraign the sovereign on the throne as a usurper. Are you competent to transfer your legislative rights to the French Council of Five Hundred? Are you competent to transfer them to the British parliament? I answer—No! If you transfer, you abdicate; and the great original trust reverts to the people from whom it issued. Yourself you may extinguish, but parliament you cannot extinguish. It is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is as immortal as the island which it protects. As well might the frantic suicide hope that the act which destroyed his miserable body should extinguish his eternal soul! Again I therefore warn you. Do not dare to lay your hands on the constitution—it is above your powers.”

Oh, it is a beautiful passage—“As well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul! Again I therefore warn you. Do not dare to lay your hands on the constitution—it is above your powers.” I insist on the truth of that constitu-

tional law. I take the qualification as laid down by Saurin—it is binding as a law while it continues to have the form and shape and pressure of law, but it does not bind on conscience or principle. Though it had been said to me: Why, this would make all the acts which were passed since the Union void. I deny it, it would do no such thing. I say they are voidable, but not void. It has been said, you would, by that repeal even the Emancipation Act. If I could get the repeal of the Union, I would make you a present of Emancipation. Where do I find the principle of its being voidable, not void? I find it in the language of Saurin. I may be wrong in this position, but I cannot be wrong to argue from it. It may be said that this act is to be obeyed, and it is to be considered as law.

Gentlemen of the jury, the point was raised already in 1782, when the Irish parliament declared that no power on earth could bind the Irish people but the King, lords, and commons of Ireland; and there was an act passed to that effect, the consequence of which was to do away with the authority of all laws passed in England, and which were binding on Ireland, though they regulated the property of Ireland; but Chief Baron Yelverton stepped in, and by his act, declared all laws passed in England to be binding in Ireland, and that they should continue to be so. But it may be said this is inconsistent with our allegiance—I deny it; for this authority exists in the Queen, which can only be exercised through her responsible minister. It is no derogation of her power—it is rather an increase of that power. And shall I be told this of a country which has made so many irregular successions? Richard the Second was dethroned by parliament—so was Richard the Third, and Henry the Seventh set up. Then also the royal succession was altered in the reign of Henry the Eighth, and settling nothing, there was another alteration at the time of the revolution in 1688—so that there could not be anything illegal in discussing this question. Surely not. There may be a mistake—there may be an error, but there cannot be crime to discuss the matter publicly, undesignedly, and with the sustentation of the authorities I have addressed. You have Saurin, and Plunkett—you have Locke, you have

Lord Grey giving his opinion in favor of it. I draw to a close.

I come back to the evils of the Union, and I would look to every honest man to exert himself for its repeal. Would it not cure the odious evils of absenteeism? It was calculated by an able man that nine million pounds a year, pass out of this country; the railway commissioners reduce it to six millions. Take the reduced amount, and I ask, did ever a country suffer such an odious drain of six million pounds of absentee money? Six million pounds raised every year in this country, not to fructify it—not to employ the people of the country, not to take care of the sick and poor or destitute—but six millions are transplanted to foreign lands—sent there but giving no returns—leaving poverty to those who enriched. Take six millions for the last ten years. Look now at sixty millions drawn from this unhappy country. Take it for the next six years—can you in conscience encourage this? There is a cant that agitation prevents the influx of capital. What is the meaning of that? We do not want English capital; leave us our own six millions, and we shall have capital in abundance. We do not want that left-hand benevolence which would drain the country with one hand, and let in niggardly with the other. There is another item which exhausts the resources of this country, and that to the amount of nearly £2,000,000 annually; in the last year it was so low as £700,000, but whether the one or the other, it is drawn out of the country never to return. There is again the Woods and Forests. That department receives £74,000 a year out of Ireland in quit rents, etc. How was that expended for the last ten years? Between the Thames Tunnel, and to ornament Trafalgar Square. We want an additional bridge in Dublin. Why have we not the £74,000 for that purpose? Have we not as good a right as that it should be expended on Trafalgar Square? If we had the parliament in College Green, would that £74,000 be sent to adorn a square in London? Have we not sites and squares enough in Dublin for the purpose of public utility?

There are other evils attending this continued drain on the country. I remember there having been quoted in parliament the work of Mr. Young, a political economist, who journeyed

in Ireland in '78, who, in speaking of the increase of population, he accounted for it by the never-failing bellyful of potatoes—they had all a bellyful of potatoes, and to that he attributed the increase. But is that the case now? Has not the country sensibly declined? is not even one meal of potatoes a treat and a treasure?

According to the evidence of the commissioners of Poor-law inquiry the people are now in rags. Was this my language? No, gentlemen. I appeal to yourselves—are they not reduced to misery and wretchedness, frittered away by periodical famine?—and there were six or eight since the Union. There was relief from England, while provisions were in quantities transported from this country; provisions were in the country while the people were perishing with hunger; and those provisions were exported from the country. But the Poor-law Commissioners report the following frightful picture. But first let me tell you that the Population Commissioner's report shows the aggravation of the evil. The gentleman who made that report is a military officer—Captain Larcom—a man of science, of integrity, and of honor. He reports the state of the population to be this, that 30 per cent. of the town and city population were in abject poverty, and that 70 per cent. of the agricultural were in abject poverty. These are not my words, they are the words of Captain Larcom. Where, then, is the advantage of the Union, which has thus increased poverty, bringing pestilence, and involving our poor in misery and filth? Gentlemen, why should we not adopt any plan by which we would escape from these horrors. To be sure, the Poor-law Commissioners go more into details. Mind you, gentlemen, this is evidence made on oath before the Poor-law Commissioners. Allow me to read some of it to you.

“One family had but one meal for the space of three days—another subsisted on a quart of meal a day; another lived on a little boiled cabbages without anything to mix with them.”

Gentlemen, I will not harass your feelings by reading any more; the book is full of them; and are two millions three hundred thousand of your fellow-countrymen to live in a state of positive destitution, and nothing to be done for them? Is no effort to be made? Permit me to call your attention to a

few passages of a report of a meeting held last Monday week, in reference to the sick and indigent of your city. [Mr. O'Connell then read an extract from Saunders, detailing the misery which pervaded the city.] Can any language of mine describe the misery which exists, more fully?

Another hideous feature of Captain Larcom's report is, that the population is diminishing by 70,000 in ten years. It is increased from the period of 1821 to 1831, and from that to 1841 the population has diminished by the number of 70,000, who would have been all reared up if they had anything to support them; and are we to be hunted down, who are the friends of the poor? Are we, who wish to have industry rewarded—are we, I ask it on every principle of sense and justice—are we to be prosecuted and persecuted for seeking the means of relieving this distress? We have the means of relief in our power; we live in the most fertile country in the world, no country is in possession of such harbors, the earliest historical mention of which is made by Tacitus, admitting that our harbors were the best, and that consequently they were more crowded. The country is intersected with noble estuaries. Ships of five hundred tons burden ride into the heart of the country, safe from every wind that blows. No country possesses such advantages for commerce; the machinery of the world might be turned by the water-power of Ireland. Take the map, and dissect it, and you will find that a good harbor is not more remote from any spot in Ireland than thirty miles. Why is not the country prosperous? Did I not read for you of the unheard-of magical prosperity that followed her legislative independence? Did I not read extracts from the writings and speeches of men most adverse to Ireland—of men most anxious to conceal her greatness, as evidence of her increasing prosperity under her parliament? What happened once, will surely happen again.

Oh, gentlemen, I struggle to rescue the poor from poverty, and to give wages and employment to those now idle—to keep our gentry at home by an absentee tax after the example of the government of last year, if by no other means, and compel them to do their duty to their country. I leave the case to you—I deny that there is anything in it to stain me with

conspiracy. I reject with contempt the appellation. I have acted in the open day in the presence of the government ; in the presence of the magistrates ; nothing was secret, private, or concealed ; there was nothing but what was exposed to the universal world. I have struggled for the restoration of the parliament to my native country. Others have succeeded in their endeavors, and some have failed ; but, succeed or fail, it is a glorious struggle. It is a struggle to make the first land on earth possess that bounty and benefit which God and nature intended.













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